

# Anti-Social Behaviour and Hate Crime Policy

<b>Summary</b>	This policy summarises the Group's principles on Anti-Social Behaviour and Hate Crime
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## 1. Scope

- 1.1 This policy applies to reports of anti-social behaviour (ASB), including reports of hate crime and hate incidents.
- 1.2 It covers all incidents:
  - involving an alleged perpetrator and/or complainant who live in, or are visiting, a property managed by us; or
  - that occur within a neighbourhood in which we manage properties; or
  - that take place at our offices
- 1.3 Customers of Spruce Homes Ltd are not covered under this policy and should refer to Spruce's separate Anti-Social Behaviour Policy or Hate Crime Policy.
- 1.4 When this policy refers to ASB, this includes incidents of hate crime.

## 2. Purpose

- 2.1 We are committed to building safe, strong and sustainable communities for our customers.
- 2.2 The purpose of this policy is to:
  - tackle the causes of ASB and hate crime and prevent incidents from arising
  - prevent incidents of ASB and hate crime from escalating, when they do arise
  - take the necessary management intervention and legal action to deal with perpetrators of ASB and hate crime
  - provide customers with appropriate advice and assistance
  - work in partnership with specialist agencies where appropriate
  - support customers and sustain tenancies
  - support staff to tackle ASB and hate crime
  - meet our regulatory and legal requirements

## 3. Definitions

### 3.1 What is Anti-Social Behaviour?

- 3.1.1 The [Anti-social Behaviour Crime & Policing Act 2014](#) defines ASB as conduct:
  - that has caused, or is likely to cause, harassment, alarm or distress to any person; or that is
  - capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises; or that is
  - capable of causing housing-related nuisance or annoyance to any person.

We have adopted this definition.

3.1.2 Examples of ASB are listed in our tenancy, occupancy and licence agreements; and include but are not limited to:

- unreasonable noise
- harassment
- verbal or physical abuse
- damaging or putting graffiti on any of our properties or within the neighbourhood
- behaving in an intimidating manner
- domestic abuse
- hate crime
- substance misuse or drug dealing

3.2 Sometimes we receive reports of behaviour that might fit into the definition of ASB but we may not treat as complaints of ASB, these include but are not limited to:

- normal household noise, eg. vacuuming, children playing inside, children crying, occasional door slamming
- smells from cooking
- one off parties including BBQs (providing they don't cause an unacceptable disturbance)
- DIY within sociable hours
- noisy plumbing or appliances
- parking disputes
- name-calling or disputes via social media such as Facebook, unless it amounts to harassment
- children arguing or fighting (unless this amounts to bullying)
- children playing outside or youths congregating (unless they are behaving anti-socially)
- feeding birds or other wildlife
- cats roaming and/or fouling

### 3.3 What is Hate Crime and what are Hate Incidents?

3.3.1 The Group defines hate crime as any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate.

3.3.2 The hatred, bias or prejudice is based upon the actual or perceived race, colour, religion, national origin, gender/transgender status, age, disability, or sexual orientation of an individual or group. Additionally, any hatred, bias or prejudice against an individual or group's personal characteristic/s will be investigated as hate crime (eg. subculture groups such as Goths, Travellers or hair colour).

3.3.3 Reports of hate crime or hate incidents will be dealt with as high risk cases of ASB.

3.3.4 The Group's Safeguarding policy will need to be referred to when reports of hate crime are received.

### 3.4 Other definitions

- alleged perpetrator – person accused of carrying out ASB
- complainant – person making the complaint of ASB
- victim – a victim is a person who has experienced nuisance, harassment, alarm or distress or any other anti-social behaviour
- witness – a person who observes a crime or incident take place

## 4. Key principles

- 4.1 We take a victim-centred and robust approach to tackling ASB, including prevention and early intervention.
- 4.2 We risk assess all reported ASB incidents to determine their severity. This includes looking at the vulnerability of those experiencing ASB, in order to assess the support and action required and to be able to prioritise those most vulnerable or at risk of harm.
- 4.3 We have an expectation of our customers to take responsibility for their own behaviour and that of their household and visitors. Our tenancies, leases and license agreements place a duty on our residents to respect others and to not damage properties. We expect most customers to resolve minor issues themselves as appropriate, and we actively encourage them to do so in the first instance.
- 4.4 We will work in partnership with other agencies and organisations to prevent and reduce ASB and to ensure the best outcome for the victim.
- 4.5 Our powers to respond to ASB are related to those we have as a housing provider and will vary depending on whether the resident is a tenant or a homeowner, for example in some cases of leaseholder against leaseholder disputes we may only be able to point or refer residents to external service providers.

## 5. Dealing with a report of Anti-Social Behaviour

- 5.1 ASB can be reported by a Group customer, a resident of other Landlords, third parties or by a member of staff observing or experiencing ASB. **In situations where someone or a property is in danger, a serious disruption to the public is likely or when a crime is taking place, the complainant should contact the police on 999 before contacting us. Complainants should call 101 for non-emergency enquiries.**
- 5.2 Each report of ASB will be individually risk assessed, we will consider things such as the customer's circumstances and whether there have been previous complaints. If we decide that a report is not ASB we will advise the complainant but we may still be able to help or offer advice.

- 5.3 Incidents of domestic abuse and hate crime will automatically be handled as high risk cases. Colleagues will need to refer to the Group's Safeguarding Policy when receiving reports of either domestic abuse or hate crime.
- 5.4 The impact on the complainant's or their household's wellbeing will impact the level of risk priority of the ASB case.
- 5.5 Where reports are assessed as high risk the complainant will be contacted within 1 working day to discuss an action plan. Complainants reporting medium risk or low risk will be contacted within 2 working days.
- 5.6 Complainants will have an assigned case handler who has responsibility to keep in regular contact with them.
- 5.7 If after considering the complaint, we are unable to take action on behalf of the complainant, we will explain why and point customers towards agencies who may be able to offer advice and support.
- 5.8 We will deal sensitively with all reports of ASB and will remain professional and non-judgemental when we are working with both complainants and alleged perpetrators of ASB.
- 5.9 Staff should refer to the Group's Safeguarding Policy where they feel a safeguarding referral may need to occur.

## 6. Prevention and early intervention

- 6.1 When designing new housing, we will integrate crime and ASB prevention principles. For example:
  - ensuring external spaces have defined uses
  - producing clear sight lines with well lit routes to a building entrance
  - providing car parking, storage and visible play spaces
- 6.2 Other examples of how we prevent and reduce ASB include:
  - using probationary Starter Tenancies
  - having effective pre-tenancy checks
  - setting out clear expectations on behaviour when new tenants sign their tenancy agreements
  - asking a Local Authority to restrict access to social housing for a tenant evicted because of ASB
  - working in partnership with local authorities, the police, and other agencies on preventative strategies and planned solutions
  - identifying support needs of prospective and new tenants and working with partners to meet that need

- having clear and specific tenancy clauses on hate crime, illegal drug use and distribution, harassment and domestic abuse
  - using permanent or mobile CCTV where appropriate
  - using Neighbourhood Agreements for new and existing communities
  - having Caretakers on our larger estates
  - funding local projects and initiatives through our community grants
- 6.3 We will take a balanced approach to preventing and reducing ASB; any action we take will be based on the circumstances of each case and will be proportionate to the behaviour.
- 6.4 We recognise that by addressing ASB early, it is more likely to be able to stop problems escalating in the majority of cases. Examples of the informal actions we take include:
- providing advice and assistance to victims at an early stage including encouraging a neighbour to find their own solution
  - interviewing the perpetrator
  - verbal and written warnings
  - making referrals for support
  - using mediation services at an early stage and where appropriate
  - using Acceptable Behaviour Agreements and Parenting Agreements when appropriate
  - using Good Neighbour Agreements
  - providing diversionary activities
- 6.5 Customers with a Starter Tenancy may not have their tenancy converted if they have carried out anti-social behaviour during their probationary tenancy, or may have their Starter Tenancy extended.

## 7. Enforcement and Legal Action

- 7.1 We will take swift enforcement action where other approaches have been tried and failed or in cases where we need to act immediately if there is violence or other serious behaviour.

The types of legal action we take include, but are not limited to:

- eviction proceedings using either discretionary or mandatory grounds
  - Civil Injunctions (including for minors)
  - Community Protection Notices (if we have been given designated powers by a local Council)
- 7.2 We recognise that some types of ASB activity do cause, or have the potential to cause serious detriment to others living or working in our communities, and that strong enforcement action is likely to be warranted. Examples of this include:
- domestic abuse

- hate crimes
  - the use or threatened use of violence
  - the cultivation, production and/or possession with intent to supply controlled drugs, in the locality of our housing stock
  - possession of offensive weapons
- 7.3 The type of action we take will be determined on a case-by-case basis, taking all of the relevant circumstances into account, having due regard to the [Human Rights Act 1998](#) and [Equality Act 2010](#).
- 7.4 Our Area Service Managers will review all referrals to a solicitor before legal proceedings are started to ensure the appropriate investigation has been carried out and alternative approaches have been considered.
- 7.5 There may be situations where other agencies have the best tool to address the problem and in these cases, we will work with that agency to support that action.

## 8. Support

### 8.1 Complainant and witness support

- 8.1.1 We know that ASB can have a major impact on victims and that this can be especially serious where victims are vulnerable.
- 8.1.2 Our risk assessment is designed to establish any vulnerabilities the complainant and/or the perpetrator may have and the impact the ASB is having on the complainant's (including their household's) well being. This allows us to make a decision on what action and support is required. Where it has been identified that extra support is needed, the case handler will sensitively incorporate this within the agreed action plan, for example:
- visiting customers in their own home or somewhere they prefer, at their convenience
  - providing additional security measures to victims of harassment and domestic abuse where appropriate
  - referring and/or signposting victims to external support agencies
- 8.1.3 We want people to feel confident and safe reporting ASB and understand that many are worried about giving evidence. In some circumstances we will use a professional witness service to gather evidence.
- 8.1.4 For any witness giving evidence in the county court we can:
- Arrange a pre-court visit if appropriate
  - Reimburse witnesses for out of pocket and travel expenses
  - Support witnesses during the trial

### 8.2 Supporting vulnerable perpetrators

- 8.2.1 We recognise that some perpetrators may be vulnerable and need help to deal with the underlying causes of their behaviour. Staff should refer to the Group's Safeguarding Policy where they feel a safeguarding referral may need to occur.
- 8.2.2 Where we know a perpetrator has identified support needs and it is appropriate, we will offer support. This can include:
- Using an acceptable behaviour contract;
  - Support from our Community Investment Team;
  - Signposting and/or making a referral to an external support agency.
- 8.2.3 Where possible, we will consider the vulnerability of perpetrators before taking any legal action.
- 8.2.4 Some support can only be met by external specialist support agencies. We cannot guarantee that perpetrators will be offered external support.

## 9. Young People (aged 10 – 17)

- 9.1 Where an alleged perpetrator is aged between 10 and 17, their parents or carers will be encouraged to attend any meetings to which the alleged perpetrator is invited to discuss the conduct. Where practicable and/or appropriate, we will seek to address the underlying causes of the behaviour by facilitating support through partnership working.
- 9.2 Where a young person is involved in a serious and/or persistent ASB we may consider taking legal action against them and/or against their parent/ carer (our tenant).

## 10. Working in partnership

- 10.1 We work in partnership with other agencies to prevent and reduce ASB and ensure the best outcome for the victim. Examples of this are:
- arranging and/or participating in multi-agency meetings to resolve complex cases
  - regularly participating in local Community Safety Partnership meetings with the local authority and police
  - developing strong working relationships with the local police, probation and support services
  - developing common standards and approaches to ASB on multi-landlord estates
  - participating in local procedures for a Community Trigger
- 10.2 We also sign up to local information sharing protocols and share information with other agencies where relevant and the law allows us to.

## 11. Case closure

- 11.1 There is no set time frame for closing a case; it will depend on the nature of the issues involved. If we decide to close a case, the complainant will be consulted beforehand and



we will explain our reasons why we believe that the case should be closed. We will listen to any reasons the complainant has on why the case should not be closed and will advise them accordingly.

11.2 Examples of reasons for closing a case include:

- the ASB has been resolved or it has stopped
- after an initial investigation, the behaviour cannot be reasonably regarded as ASB
- there is no or insufficient evidence to take action
- the complaint is withdrawn by the one person who had reported it

## 12. Roles, Responsibilities and Authority

12.1 The Home and Property Services Directors and the Head of Sheltered and Care Services have overall responsibility for the delivery of and the compliance of this policy and associated policies and procedures.

12.2 The Heads of Home Management have operational responsibility for managing ASB. They are responsible for ensuring that ASB is managed by the Home Management team in accordance with its policies and procedures. They are also responsible for staff awareness, training and communication to customers.

12.3 Our Customer Service Advisors (CSAs) are responsible for recording reports of ASB and carrying out an initial risk assessment. They can be responsible for handling low risk and medium risk cases.

12.4 Home Service Managers (HSMs) and Sheltered Services Managers (SSMs) are responsible for recording reports of ASB and carrying out an initial risk assessment. They are responsible for handling medium and high risk cases. CSAs may transfer case handler responsibility of cases to HSMs and SSMs where enforcement tools available to them have been exhausted.

12.5 Area Service Managers (ASMs) are responsible for reviewing open ASB cases and reviewing and authorising ASB legal referrals and evictions as part of ASB legal proceedings.

12.6 We have an expectation of customers to take responsibility for their own behaviour and that of their household and visitors. Our tenancies, leases and license agreements place a duty on our customers to respect others and to not damage properties.

## 13. Data Protection, Confidentiality and Information Sharing

13.1 We understand that those reporting ASB may be concerned about their information being disclosed to third parties. We will treat all information we receive in confidence, and

(subject to the below) will seek consent before sharing it in a form that is likely to identify its source. However in some cases, customers need to be aware that it may be apparent to the alleged perpetrator who the complainant is.

13.2 In some instances we are legally obliged to share information with a third party eg. Where a child or a vulnerable adult may be at risk. In these cases we may be required to share information without seeking consent.

13.3 The power under section 115 of the [Crime and Disorder Act 1998](#) and the [Data Protection Act 1998](#) allows agencies to share information for the detection and the prevention of crime and anti-social behaviour. We ensure that where appropriate, we have signed local information sharing protocols so that information about complainants and perpetrators may be shared with other agencies for the purpose of preventing ASB or crime. Any information exchange will be compliant with the [Human Rights Act 1998](#).

## 14. Publicity

14.1 We ensure that the wider community is aware of the successful outcomes of our work to prevent and tackle ASB through effective publicity.

14.2 We ensure our customers understand what ASB is and how they can report incidents to us.

14.3 In conjunction with our Communications Team, we decide where to publicise action we have taken on a case by case basis. We will always balance the rights of the individual against those of the community.

## 15. Service Standards

15.1 Our ASB service standards are:

- to make contact with the customer within 1 working day if we receive and assess a report of ASB as High Risk (these are likely to be incidents or reports of hate crime, domestic abuse or violent incidents)
- contact the customer within 2 working days for all other reports we consider ASB
- agree an action plan with the customer
- keep customer information confidential and only share information with other agencies with their permission, and where it is lawful to do so
- contact the customer every two weeks (or a frequency agreed with the customer)
- contact the customer before we close an ASB case

## 16. Monitoring and Continuous Improvement

16.1 We record and monitor incidents of ASB and use this information alongside customer feedback to monitor our performance. We continuously improve our range of ASB

services, by listening to our customers and other key partners, through satisfaction surveys and customer feedback.

- 16.2 Once an ASB case is closed, an independent company will carry out a telephone survey to give us feedback which helps us continuously improve our ASB service and guides staff handling that case. Surveys are not carried out where we believe this contact would put a person at risk or cause emotional distress.

## 17. Complaints and Appeals

### 17.1 Community Trigger

The Community Trigger is a process which allows members of the community to ask their local Community Safety Partnership to review responses to complaints of ASB where they feel that their complaint has not been dealt with satisfactorily.

We will appoint a relevant member of staff to liaise with the relevant body and cooperate fully if a request for review is made by a Group customer. The relevant member of staff will coordinate our response and oversee any recommendations attributed to us.

As the threshold for review is defined locally it will vary from area to area. Details of the Community Trigger, and how to put this in to practice for each area, is publicised via local authority and police websites.

- 17.2 Additionally, customers who have been involved in an ASB case handled by the Group who want to make a complaint regarding how the complaint has been handled, should contact our Customer Relations Team.

## 18. Equalities, Diversity and Inclusion

- 18.1 An Equality Impact Assessment has been carried out as part of the development of this policy.

The Group aspire to embed diversity and inclusion within all of our business activities to enable these principles to become part of our everyday processes.

## 19. Regulation and Legislation

- 19.1 The Housing Act 1996 (as amended) requires registered providers to publish a policy and procedures for tackling ASB; and to keep these under review.

- 19.2 Additionally, the Group will meet our legal obligations under the following: (this not an exhaustive list)

- [Anti-social Behaviour Crime & Policing Act 2014](#)
- [Neighbourhood and Community Standard](#), HCA 2012
- [Equality Act 2010](#)
- [Human Rights Act 1998](#)

- [Crime and Disorder Act 1998](#)
- [Data Protection Act 1998](#)
- [Regulation of Investigatory Powers Act 2000](#)
- [Police Reform Act 2002](#)
- [Anti-social Behaviour Act 2003](#)
- [Police and Justice Act 2006](#)
- [Racial and Religious Hatred Act 2006](#)

## 20. Related internal documents

- Domestic Abuse Policy
- Safeguarding Policy
- Complaints Policy
- Personal safety general guidance
- Data Protection Policy
- Tenancy and Occupancy Agreements
- Absolute Possession Procedure
- Equalities, Diversity and Inclusion Policy
- Tenancy Policy
- Supporting Anti Social Behaviour Procedure documents

<b>Author</b>	Tara Lee, Customer Experience and Policy Consultant
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<b>Policy Owner</b>	Home and Property Services Directors