

Anti-social Behaviour and Hate Crime Policy

Reference:	HS_POL_HOU_ABH_1.0	Approved:	6.4.2017
Scope:	Housing Solutions	Date of next Review:	3.3.2020
Legislation:	Housing Act 1996 Crime and Disorder Act 1998 Disability Discrimination Act Equality Act 2010 The Anti-social Behaviour Act 2003 Anti-Social Behaviour, Crime and Policing Act 2014 Care Act 2014		
Related Policies:	Hate Crime Policy Domestic Abuse Policy Safeguarding Children Policy Safeguarding Adults Policy Tenancy Policy Data protection Policy Confidentiality Policy Complaints Policy Pets Policy Waiting List policy		
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1 Overview

- 1.1 This policy highlights Housing Solutions zero tolerance approach to anti social behaviour or hate crime in the communities within which they operate
- 1.2 This policy also outlines Housing Solutions commitment to using various tools and powers available to prevent and, where possible, put a stop to such acts
- 1.3 Housing Solutions values diversity and recognises their duty to provide safe homes and communities
- 1.4 Housing Solutions will ensure all staff are provided with guidance and training on how to deal with complaints of anti social behaviour and hate crime and will ensure robust systems are in place to monitor the progress of complaints
- 1.5 Housing Solutions also recognises that staff and contractors have the right to

undertake their duties without fear or intimidation. Appropriate action will be taken to address any complaints of threats, abuse or violence towards staff members or contractors.

2 Aims of the Policy

- 2.1 Housing Solutions is committed to creating an environment where anti social behaviour and race and hate is not tolerated and where Customers can live free from violence, disturbance and nuisance
- 2.2 Housing Solutions are signed up to the principles of the RESPECT Charter and as such comply with the seven core commitments outlined in the charter:
- Demonstrating leadership and strategic commitment
 - Providing an accessible and accountable service
 - Taking swift action to protect communities
 - Adopting a supportive approach to working with victims and witnesses
 - Encouraging individual and community responsibility
 - Having a clear focus on prevention and early intervention
 - Ensuring a value for money approach is embedded in the service
- 2.3 Housing Solutions also have Prevent trained staff. Prevent is about safeguarding people and communities from the threat of terrorism. Prevent is 1 of the 4 elements of CONTEST, the Government's counter-terrorism strategy. It aims to stop people becoming terrorists or supporting terrorism.

The Prevent strategy:

- Responds to the ideological challenge we face from terrorism and aspects of extremism, and the threat we face from those who promote these views;
- Provides practical help to prevent people from being drawn into terrorism and ensure they are given appropriate advice and support; and
- Works with a wide range of sectors (including education, criminal justice, faith, charities, online and health) where there are risks of radicalisation that we need to deal with.

Prevent covers all forms of terrorism and extremism and some aspects of non-violent extremism.

The Home Office works with local authorities, a wide range of government departments, and community organisations to deliver the Prevent strategy. The police also play a significant role in Prevent, in much the same way as they do when taking a preventative approach to other crimes.

Prevent uses a range of measures to challenge extremism including:

- Supporting people who are at risk of being drawn into terrorist or extremist activity through the Channel process, see the What is Channel section to find out more about this

- Working with and supporting community groups and social enterprise projects who provide services and support to vulnerable people
- Working with faith groups and institutions to assist them in providing support and guidance to people who may be vulnerable; and
- Supporting local schools, local industry and partner agencies through engagement, advice and training.

Prevent is measured locally and nationally to make sure the Prevent programme provides value for money.

- 2.4 When Customers come forward to report incidents of anti social behaviour Housing Solutions will ensure they are supported through this process by:
- Responding to incidents of anti-social behaviour in line with procedural response targets and effectively tackle the nuisance with minimal disruption (see section 15)
 - Investigating all complaints of anti-social behaviour in a prompt, impartial and professional manner
 - Providing support and protection for victims, witnesses and communities affected by anti-social behaviour, in partnership with other agencies
 - Proactively working with local communities and partners to prevent incidents of anti-social behaviour and provide peaceful and secure neighbourhoods
 - Supporting the rehabilitation of perpetrators to reduce incidents of anti-social behaviour and/or reoffending
 - Developing and delivering a service which meets the needs of Housing Solutions customers by involving residents and partners in the development and delivery of the anti social behaviour service
 - Preventing homelessness by supporting and sustaining tenancies
 - Providing appropriate training and support for all staff to enable them to effectively manage anti-social behaviour
 - Regularly reviewing performance in tackling anti-social behaviour, with Housing Solutions customers, focusing on continuous improvement.

3 Scope

- 3.1 This Policy sets out how Housing Solutions will approach the prevention, management and tackling of anti-social behaviour and criminal activities
- 3.2 This Policy relates to all of Housing Solutions customers, including tenants, leaseholders, shared owners, other household members and their visitors and members of the community
- 3.3 This policy is for all Housing Solutions staff who are involved in tenancy management and the development and implementation of customer services
- 3.4 Housing Solutions will promote this policy and its approach with key partners and stakeholders
- 3.5 Housing Solutions recognises that domestic abuse is a serious issue and that

incidents of domestic abuse are common and critically affect many people's lives. A separate policy exists outlining Housing Solutions commitment to tackling domestic abuse.

4. What is anti-social behaviour and hate crime?

4.1 Anti-social behaviour is unwelcome or illegal acts committed by an individual and/or groups that cause distress and disturbance to any customer or community

4.2 Hate crime is any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender

4.3 Anti-social behaviour includes a wide range of unacceptable behaviour that affects the quality of life for customers and others living or working in the community. Examples of this can include, but is not exclusive to;

- Noise nuisance
- Verbal abuse (intentional or unintentional)
- Harassment
- Hate related incidents
- Threatening/abusive/intimidating behaviour
- Actual violence
- Nuisance caused by drug dealing
- Using accommodation to sell drugs or for other unlawful purposes
- Nuisance caused by pets
- Inconsiderate disposal of household rubbish
- Hoarding or dumping materials/rubbish within the home or its vicinities or in communal areas
- Fouling in public areas
- Misuse of communal areas/public spaces
- Inconsiderate parking of vehicles and abandoned vehicles
- Damage to property, including graffiti and vandalism
- Absence of garden maintenance, for example, overgrown or unsightly gardens, this also includes garden fires
- Other criminal behaviour.

4.4 Types of Hate Crime include:

- Race and religious hate crime
- Homophobic and transphobic hate crime
- Disability hate crime
- Crimes against Older People

- Housing Solutions takes a zero tolerance approach to all forms of hate crime and will handle the investigation of incidents fairly and with sensitivity

4.5 Where appropriate we will work in partnership with other agencies on incidents of hate crime. All staff will receive briefings to help them recognise hate crime and understand to respond to it

4.6 Action in dealing with anti social behaviour will be monitored by senior staff, including the delivery of strategic objectives and achievement of targets. Performance will also be monitored by the Service Improvement Team.

5 Who can Housing Solutions take action against?

- Tenants and Leaseholders, shared owners
- Owner occupiers
- Private tenants
- Tenants of other registered social landlords and housing associations
- Any individual; causing distress and/or disturbance to residents of the Borough.

Although Housing Solutions can take action against any of the above for any resident other than a housing Solutions tenant, Leaseholder or shared owner, we would be working in line with other agencies under the powers they have in taking enforcement action, such as an injunction.

6 Reporting Anti social Behaviour

6.1 Housing Solutions provide a range of anti-social behaviour reporting services, to encourage incident reporting. These can be found at Appendix 1 'How to report' of this report.

6.2 Housing Solutions will handle anti-social behaviour complaints consistently, fairly and in line with policy and procedures. All cases of anti social behaviour and hate crime will be recorded on the appropriate system and will be responded to in accordance with our priority listing as defined in Housing Solutions 'Anti Social Behaviour Procedure'

6.3 Housing Solutions will investigate reports of anti social behaviour and hate crime and support complainants in gathering evidence. Evidence examples include:

- Diary sheets
- Statements (from complainants and/or other witnesses)
- Photographs and information from the Police

6.4 The evidence collected will determine whether the person causing the nuisance has a case to answer; if so action will be taken. In very serious cases such as those where a customer is in danger, Housing Solutions may take legal action straight away in partnership with the Police and/or other appropriate agencies. In other instances Housing Solutions will adopt a 'step by step' approach to try to get the person/persons involved to change their behaviour. The action taken will depend on the severity of the anti social behaviour

6.5 Housing Solutions will co-produce action plans with complainants with specified timelines for actions; preferred methods of communication and case reviews. Complainants are required to sign the action plans, showing their agreement to actions outlined in the plan. Action will only be taken with written consent. In some instances victims can remain anonymous.

7 Types of remedies/legal actions that can be taken in partnership with other agencies by Housing Solutions

7.1 The Anti-social Behaviour, Crime and Policing Act 2014, aims to put victims at the heart of anti-social behaviour and gives organisations like Housing Solutions more flexibility to protect its communities and tackle anti-social behaviour

7.2 Remedies/legal actions that can be taken by Housing Solutions in partnership with other agencies include:

- **Injunctions:** The civil injunction is used to deal with anti-social individuals. The injunction can offer fast and effective protection for victims and communities and set a clear standard of behaviour for perpetrators, stopping the person's behaviour from escalating
- **Criminal Behaviour Order:** The order will give agencies and communities what they need to deal with persistently anti-social individuals who are also engage in criminal activity. The court may make a criminal behaviour order against the offender if two conditions are met: (i) the person has engaged in behaviour that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the offender; and (ii) the court considers that making the order will help in preventing the offender from engaging in such behaviour
- **Dispersal Powers:** Allows Police constables to direct people to leave a public place and not return for a specified time
- **Community Protection Notices and Orders:** Designed to deal with particular, on-going instances of environmental anti-social behaviour and can be used against individuals or organisations
- **Public Spaces Protection Order:** Dealing with a particular nuisance or problem in a particular public area. The order applies to everyone
- **Closure of Premises:** Prohibits access to premises because use of said premises has resulted in anti-social behaviour

7.3 In addition, the 2014 Act also provides landlords with new tools they can directly use to prevent and manage anti-social behaviour, these include:

- **Early and informal interventions:** Early and informal interventions can establish clear standards of behaviour and reinforce the message that anti-

social behaviour will not be tolerated. Informal enforcement tools can be a sufficient incentive for an individual to change their behaviour. Early and informal interventions include:

- Verbal warnings
- Written warnings
- Community resolution
- Mediation
- Acceptable behaviour agreements
- Parenting contracts
- Support and counselling
- Referrals to partner agencies

- **Absolute ground for possession for anti social behaviour:** The purpose of the absolute ground for possession is to speed up the possession process in cases where anti-social behaviour or criminality has already been proven by another court. The aim of this new power is to provide swifter relief for victims, witnesses and communities

7.4 To enable local involvement and accountability, the 2014 Act also includes the following two community measures:

- **Community Trigger:** The trigger gives complainants and communities the right to request a review of their case and bring agencies together to take a joined up, problem-solving approach to find a solution. This is led by the local authority's Community Safety Team

Community Remedies: This will give victims a say in how perpetrators are punished for their behaviour

7.5 Housing Solutions will use the powers and tools available to them, in partnership with relevant agencies, to tackle anti-social behaviour and build peaceful and safe communities.

8 Prevention of anti social behaviour

8.1 Housing Solutions is committed to preventing and deterring anti social behaviour. There are a range of measures available, these include but are not limited to:

- **Good Neighbour Agreements:** All new tenants are asked to sign a good neighbour agreement declaring that they understand what is considered anti-social behaviour and accepting their role in prevention
- **Starter Tenancies:** Housing Solutions operates a Starter Tenancy policy where new Customers are given an assured shorthold tenancy, usually for a probationary period of up to 12 months. During this period officers will monitor the conduct of the tenancy and if is not conducted in a satisfactory manner

- then Housing Solutions may seek possession of the property. If Housing Solutions decides to end a starter tenancy the Customer is given the opportunity to appeal the decision
- **Community Engagement:** The Customer Engagement and Neighbourhood Service teams work closely with the local community to address the causes of anti-social behaviour and promote inclusion. Where a 'hotspot' area has been identified Housing Solutions will work with Customers and key partners to consider diversionary activities with the aim of preventing the reoccurrence of nuisance behaviour
- **Restorative approaches:** Housing Solutions may suggest a restorative meeting between parties where both parties agree to this approach. This approach brings those harmed by conflict and those responsible into managed communication and enables everyone affected by an incident to have a part in finding a positive way forward. Cases will be referred in some instances to Housing Solutions independent mediation service. In most cases referrals will be made by the investigating officer at the action planning stage or early stages of a complaint investigation
- **Working in partnership:** Housing Solutions works closely with a number of agencies to address issues of racial harassment and anti social behaviour. This may include sharing information; supporting victims; multi agency meetings; joint resolution as to how to deal with persistent and high level cases of anti social behaviour; promoting tolerance

8.2 From time to time Housing Solutions will act as a managing agent for some housing stock on behalf of other organisations. In such circumstances it will be the responsibility of Housing Solutions to carry out the bulk of housing management functions, including the management of anti social behaviour cases inline with the relevant policy and procedures. Where anti social behaviour cases involve cross tenure parties Housing Solutions will seek to work within the appropriate parameters and act to protect individuals/ communities.

9 Supporting Victims & Witnesses

- 9.1 All complainants and witnesses will be treated sympathetically and sensitively
- 9.2 Investigating officers will carry out a risk assessment to establish if a complainant or witness is considered vulnerable and where appropriate will offer additional measures of support for those considered high risk (please refer to Housing Solutions 'Anti Social Behaviour Procedure' for further information)
- 9.3 Consideration will be taken to ensure the support provided to complainants and witnesses is tailored to individual needs. Support will be provided through all stages of an anti-social behaviour investigation and will include close working with key partners, prioritising the safety and well-being of complainants and witnesses

9.4 In order to minimise the impact of anti-social behaviour the investigating officer will provide an action plan which will outline the support and protection which may include (but is not limited to):

- Additional security to doors and windows of the property
- Fitting a fireproof letterbox
- CCTV
- Telecare systems

9.5 In all cases, customers will be treated with dignity and respect, with individual vulnerabilities and safeguarding needs identified and provided for.

10 Action Against Perpetrators

10.1 In the majority of cases Housing Solutions will resolve incidents by using non-legal tools and powers to tackle anti-social behaviour as outlined in section 7

10.2 Where prevention is unsuccessful, the investigating officer may use legal powers to tackle and manage anti-social behaviour, in conjunction with key partnering agencies, using the current legislation. The types of legal actions available are outlined in section 7 of this policy

10.3 The action taken will depend on a number of influencing factors, including but not limited to:

- The type of behaviour and its impact on others
- Any vulnerability or disability of the perpetrator
- Whether the perpetrator is a resident or non-resident of Housing Solutions
- Whether the perpetrator is willing to engage in identified programmes of support offered
- The evidence available to support the case
- The frequency of the behaviour
- Actions previously taken

10.4 All criminal cases will be referred to the Police and Housing Solutions will cooperate with and support all criminal investigations.

11 Rehabilitation of Perpetrators

11.1 Where possible Housing Solutions will ensure that perpetrators are given the opportunity to change their behaviour and successfully integrate within the community

11.2 Perpetrators will be treated with dignity and respect, with individual vulnerabilities and safeguarding needs identified and provided for

11.3 Perpetrators individual needs will be assessed to identify any support needs which may be contributing towards their behaviour

11.4 In order to support the rehabilitation of perpetrators Housing Solutions will use a

range of approaches including:

- Working alongside local partners including the Police; Social Services; Substance misuse support agencies; the Community Mental Health Team; Probation and Youth Offending services; advocacy services; any other agencies that will support the rehabilitation of perpetrators
- Housing Solutions will provide positive feedback when Acceptable Behaviour Agreements are followed successfully and incorporate positive requirements in to injunction applications
- Housing Solutions will also encourage participation in community activities to help build positive relationships between neighbours.

12 Confidentiality

- 12.1 Housing Solutions will treat all information received from customers in relation to this policy in confidence and will seek customers consent before sharing any information
- 12.2 There may be some instances where Housing Solutions will be obliged to share information with a third party due to legal requirements, such as where there are child protection or vulnerable adults concerns
- 12.3 Housing Solutions may also share information regarding anti social behaviour with other partners as part of their commitment to Community Safety partnerships. Section 17 of the Crime and Disorder Act (1998) requires information to be shared where it has the purpose of preventing anti social behaviour.

13 Data Protection and Information Exchange

- 13.1 Housing Solutions may enter into formal data sharing agreements with Local Authority partners or Police authorities, which are data protection compliant and in line with the GDPR and Data Protection Act (2018). This enables organisations to share/ obtain relevant information, such as details of criminal convictions and warnings in connection with the prevention/detection of crime and anti social behaviour
- 13.2 Housing Solutions is required to comply with the Human Rights Act (1998) in the performance of their functions. Article 8 of the Convention, which gives everyone the right to respect for their private and personal life, including home and correspondence, is especially relevant to sharing personal information. Article 8 is not an absolute right as the Convention grants public authorities the permission to interfere if it is proportionate and lawful to do so.

14 Publicity

- 14.1 Housing Solutions recognises that publicity is an essential part of the strategy to tackle anti social behaviour, in terms of reassuring complainants and the wider

community that action is being taken to tackle anti social behaviour

14.2 Where permitted, publicising individual cases can also have a positive effect on the community. Such publicity can support agencies with the monitoring of orders or contracts entered into, whereby breaches can be notified to the relevant agency

14.2.1 In circumstances where a court has not imposed reporting restrictions Housing Solutions may issue publicity to existing customers via a local press release, newsletters, or the website.

15 Service Standards

15.1 The service standards for responding to incidents of anti social behaviour and hate crime are detailed in Housing Solutions ASB procedure. A summary can be found at Appendix 2 of this report- 'ASB service standards'

15.2 The effectiveness of this policy will be monitored by the Head of Housing and Director of Customer Services. Individuals performance will be monitored by the local manager. This will be achieved via the following means:

- Complaints of anti social behaviour and hate crime will be captured on Housing Solutions case recording system
- Cases will be regularly reviewed by managers
- Housing Solutions will contact customers upon case closure to complete service satisfaction questionnaires. Feedback from the surveys will be fed into improving service delivery
- Reporting tools and key performance indicators will be utilised to progress cases and monitor adherence to the relevant procedure
- Case numbers and details of actions taken will be reported to the Customer Scrutiny Panel, Senior Management team and Executive Team on a quarterly basis.

16 Complaints and Appeals

16.1 Any complaints about failure to follow this policy and or associated procedures or about the way in which a customer has been treated in relation to this policy will be dealt with through Housing Solutions Complaints Policy. The policy can be used by anyone who receives a service from Housing Solutions is affected by a decision or action taken by the organisation, or anyone on their behalf

16.2 The ASB, Crime and Policing Act 2014 introduced the 'Community' trigger (see section 7.4) granting complainants and communities the right to request a review of their case

16.3 All complaints relating to case handling will be dealt with fairly and in line with Data Protection legislation.

- 16.4 The use of this policy and associated procedures will be audited internally and externally on a regular basis to promote best practice and consistency in relation to the handling of anti-social behaviour cases
- 16.5 Staff will be inducted and adequately trained to follow the procedures where gaps in knowledge are identified, and regular supervision will be undertaken to ensure appropriate support and guidance is available.

17 Equal Opportunities

- 17.1 Housing Solutions is committed to its Equality & Diversity Strategy.

18 Review

- 18.1 This policy will be reviewed on a 3 yearly basis or in response to changes in legislation, regulatory guidance, good practice or changes in other relevant Housing Solutions policy.

Anti- Social Behaviour and Hate Crime Policy

Appendix 1- How to report

Method	Contact details
Telephone customer contact centre	0800 876 6060 – Freephone number 01628 543101 – Standard callers rate for mobile phones
Email	asb@housingsolutions.co.uk
By post	Housing Solutions Crown House Crown Square Waldeck Road Maidenhead Berkshire SL6 8BY
Out of Hours (Forest Care)	0800 876 6060 – Freephone number 01628 543101 – Standard callers rate for mobile phones

Forest Care operates Housing Solution’s “out of hours” services. In the event of a category 1 anti-social behaviour complaint, Forest Care will contact the relevant emergency services and agencies, who will respond accordingly. All other complaints will be managed in line with the anti-social behaviour complaint handling service standards.

If a Customer feels threatened or that their safety or wellbeing is at risk Housing Solutions recommends to call the police on 999 before reporting it to Housing Solutions as a matter of urgency.

Anti-Social Behaviour and Hate Crime Policy

Appendix 2 – Summary of ASB Service Standards

- Housing Solutions will acknowledge all reports of anti social behaviour within 48 working hours of receiving the initial contact
- Instances of hate crime will be responded to within 24 working hours of the initial contact being received
- Officers will agree an action plan with the person making the report. This will usually be within 10 working days of the first meeting with the complainant
- In cases where there has been a use or a threat of violence, a report about hate crime or domestic violence Housing Solutions will contact the complainant and agree an action plan within 5 working days, this would be an appointment to complete an action plan and a clear way forward with the complainant on how the matter will be dealt with. The complainant would still receive a telephone call within 24 hours
- Racist or offensive graffiti will be removed within 1 working day on receipt of the report
- Regular contact will be maintained with the complainant as agreed in the action plan
- Signed consent will be required before actions can be taken by the investigating officer.