

Anti-Social Behaviour and Hate Crime Policy

Reference:	HS_POL_HOU_ASB_2.0	Author:	Head of Housing
Legislation:	Caravan Sites Act 1968 Protection from Eviction Act 1977 Mobile Homes Act 1983 Housing Act 1985 Housing Act 1988 Housing Act 1996 Protection from Harassment Act 1997 Crime and Disorder Act 1998 The Anti-social Behaviour Act 2003 Equality Act 2010 Anti-Social Behaviour, Crime and Policing Act 2014 Care Act 2014 Data Protection Act 2018 Domestic Abuse Act 2021	Approved by:	ET
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Regulatory/ Governance:	Regulator of Social Housing Neighbourhood and Community Standard Anti-social Behaviour, Crime and Policing Act 2014: <i>“Anti-social behaviour powers Statutory guidance for frontline professionals”</i>		
Related Policies:	Safeguarding Policy Tenancy Policy Data Protection Policy Confidentiality Policy Complaints Policy Allocations Policy Health and Safety Policy Mutual Exchange Policy Vulnerable Customer Policy		

1. Policy Statement

- 1.1 Our residents have the right to the peaceful and safe enjoyment of their homes. We also expect our residents to respect their neighbours, the immediate environment, their community, and our staff and contractors providing services to them.

1.2 This policy helps us to deliver:

- Our mission to make residents proud of where they live and our colleagues proud of where they work.
- Our statutory responsibility (s.17 Crime and Disorder Act 1998) to consider the impact of our functions and decisions on crime and disorder in the areas where we operate
- Our duties under the Regulator of Social Housing's Neighbourhood and Community Standard to:
 - Work in partnership with other agencies to prevent and tackle anti-social behaviour (ASB) in the neighbourhoods where they own homes
 - Publish a policy on how they work with relevant partners to prevent and tackle ASB.
- Our commitment to provide safe homes and neighbourhoods.
- Clarity about acceptable behaviour and where we will intervene to manage ASB.

2. Scope

- 2.1 This policy sets out how Housing Solutions will approach the prevention and management of ASB, domestic abuse and hate incidents.
- 2.2 Housing Solutions will deliver this policy and its approach in partnership with key internal and external stakeholders.
- 2.3 This policy is applies to all tenure types and enables us to support, resolve or enforce as appropriate with all homes and properties owned and/or managed by Housing Solutions.
- 2.4 Housing Solutions acts as a managing agent for some housing stock on behalf of other organisations. In such circumstances any role for Housing Solutions will be determined in the first instance by the terms of any management agreement. Where Housing Solutions is responsible for the management of ASB, this policy will apply.

3. Roles and Responsibilities

- 3.1 The Executive Team are responsible for overseeing compliance with this policy.
- 3.2 The **Head of Housing and Director of Resident Services and Communities** are responsible for the effective application and implementation of this Policy by ensuring effective case management and monitoring resident satisfaction.
- 3.3 The **Neighbourhood Team Manager** is responsible for overall case management and ensuring that the workload of ASB cases and incidents is divided appropriately between ASB and Resident Liaison Officers and for performance management of those officers.
- 3.4 The **Anti Social Behaviour Officers** are responsible for the day to day management and progression of serious and medium level ASB cases and incident investigations.

- 3.5 The **Resident Liaison Officers** are responsible for the day to day management of low level ASB cases and incidents as well as reports of nuisance, neighbour disputes and other low level disruptive activity in our general needs housing stock.
- 3.6 The **Home Ownership Manager, Sheltered Housing Manager, Supported Housing Manager** are all responsible for overall case management of low level ASB cases in their service areas and for performance management of their frontline officers in managing their ASB caseload.
- 3.7 The **Home Ownership Officers** are responsible for the day to day management of low level ASB cases and incidents as well as reports of nuisance, neighbour disputes and other low level disruptive activity in our leasehold, shared ownership, key worker and market rent housing stock.
- 3.8 The **Sheltered Housing Officers** and **Extra Care Officer** are responsible for the day to day management of low level ASB cases and incidents as well as reports of nuisance, neighbour disputes and other low level disruptive activity in our sheltered housing stock.
- 3.9 The **Supported Housing Officers** are responsible for the day to day management of low level ASB cases and incidents as well as reports of nuisance, neighbour disputes and other low level disruptive activity in our supported housing stock.
- 3.10 The **Customer Contact Centre** is responsible for identifying when an incident of anti-social behaviour is being reported and for referring the matter to an appropriate member of the Neighbourhood Team.
- 3.11 All front line staff are responsible for reporting incidents of anti-social behaviour through the appropriate channels when they are witness to it, it is reported to them, or they become aware of anti-social behaviour through any other channels.

4. Definitions

Anti-Social Behaviour

- 4.1 The definition of ASB in the Anti-Social Behaviour, Crime and Policing Act 2014 is:
- Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person or
 - 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
- 4.2 ASB includes a wide range of unacceptable behaviour that affects the quality of life for customers and others living or working in the community. It includes, but is not limited to:
- Noise nuisance
 - Verbal abuse (intentional or unintentional)
 - Harassment
 - Hate related incidents
 - Threatening/abusive/intimidating behaviour
 - Actual violence
 - Drug dealing, drug use, prostitution and any related activity and/or behaviour

- Nuisance caused by pets whether fouling, noise related or other problems
- 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 including leaving personal items in those areas/spaces
- Inconsiderate parking of vehicles and abandoned vehicles
- Damage to property, including graffiti and vandalism

4.3 There are some behaviours that are highly unlikely to ever be considered ASB or a nuisance by Housing Solutions. Examples of these include, but are not limited to:

- Footsteps
- Children playing in their own home or in a designated play area
- Babies crying
- DIY / Moving furniture at a reasonable hour
- Noise generated from domestic appliances at a reasonable hour
- Closing cupboards
- Cooking smells
- People talking
- Overgrown gardens
- Other undefined daily living noise

Hate Related Incidents

4.4 Hate crime is any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice towards a particular class or type of person. The classes of persons includes, but is not limited to:

- Sex
- Age
- Religion
- Sexual orientation
- Trans status
- Race

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

Domestic Abuse

4.3 Housing Solutions recognises the Domestic Abuse Act 2021 definition of domestic abuse:

4.4 Behaviour of a person (“A”) towards another person (“B”) is domestic abuse if:

- A and B are each aged 16 or over and are personally connected to each other,
- and the behaviour is abusive.

- 4.5 Behaviour is abusive if it consists of:
- physical or sexual abuse;
 - violent or threatening behaviour;
 - controlling or coercive behaviour;
 - economic abuse (see subsection (4));
 - psychological, emotional or other abuse;
 - whether or not the behaviour consists of a single incident or a course of conduct.
- 4.6 Economic abuse means any behaviour that has a substantial adverse effect on B's ability to acquire, use or maintain money or other property, or obtain goods or services.
- 4.7 A's behaviour may be behaviour towards B even if it is directed at another person (for example, B's child).
- 4.8 Two people are personally connected to each other if:
- they are, or have been, married to each other;
 - they are, or have been, civil partners of each other;
 - they have agreed to marry one another (whether or not the agreement has been terminated);
 - they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
 - they are, or have been, in an intimate personal relationship with each other;
 - they each have, or there has been a time when they each have had, a parental relationship in relation to the same child (see subsection (2));
 - they are relatives.
- 4.9 A person has a parental relationship in relation to a child if the person is a parent of the child, or the person has parental responsibility for and/or guardianship of the child.
- 4.10 Victims of domestic abuse include a child under 18 who sees or hears, or experiences the effects of, the abuse, and is related to A or B.
- 4.11 We will accept an incident as 'domestic abuse' if anyone – e.g. the victim, a witness, a police officer or a housing officer – perceives the incident to be domestic abuse. In these circumstances a report of domestic abuse should be recorded and dealt with as such.

5. ASB Casework

Reporting ASB

- 5.1 Housing Solutions can receive reports of ASB through a number of channels.
- 5.2 Housing Solutions will handle reports consistently, fairly and in line with our Service Standards. All incidents will be acknowledged and captured on the Housing Solutions case management system.

Managing ASB

- 5.3 Housing Solutions will seek to adopt a problem-solving approach to our case management of incident reports and work towards resolution wherever possible. We will do this through investigation and evidence gathering and by supporting residents in gathering evidence using:
- Diary sheets
 - Statements (from complainants and/or other witnesses)
 - Photographs
 - Information from the Police
 - CCTV recordings
- 5.4 Incidents involving violence, threats of violence or a serious risk of harm may require immediate action in partnership with the Police or other partner agencies. An officer will work with the complainant and any other agencies to establish the best course of action on a case by case basis.
- 5.5 In all other cases complainants will receive an acknowledgement of their report and an indication of the next steps in the investigating the incident within five working days.
- 5.6 In any situation where there is evidence of domestic abuse we will act promptly in accordance with our safeguarding policies and work with advice and advocacy agencies, our local authority partners and the Police. All relevant staff will receive regular guidance and both internal and external training on how to recognise and report domestic abuse and complete DASH assessments.
- 5.7 In any situation where there is evidence a child or adult may be at risk, we will act promptly and in accordance with our safeguarding policies and procedures. All relevant staff will receive regular guidance and both internal and external training on how to recognise and report safeguarding issues.
- 5.8 Investigating officers will seek to agree action plans with the complainant. These may include agreed timelines for actions, preferred methods and frequency of contact and case reviews as appropriate.

Action against perpetrators

- 5.9 In most cases Housing Solutions will seek to resolve incidents using early intervention, negotiation and mediation.
- 5.10 Where behaviour remains unchanged or entrenched, the investigating officer can work with our partner agencies to agree alternative approaches including the use of tools and powers described in Section 6.
- 5.11 The investigating officer will consider:
- The type of behaviour and its impact on others
 - The vulnerability of those involved
 - Willingness to engage with support
 - The evidence available
 - The frequency of the behaviour
 - Impact of action so far

5.12 All cases involving criminality will be referred to the Police. Housing Solutions will cooperate with and support any criminal investigation.

Prevention

5.13 Housing Solutions is committed to preventing and deterring ASB by using:

- **Good Neighbour Agreements:** 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:** New residents 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 may seek possession if there is persistent ASB. Starter Tenancies are described in more detail in our Tenancy Policy.
- **Community Engagement:** We will work closely with the local community to address the causes of ASB and promote inclusion. Where a hotspot area has been identified Housing Solutions will work with residents and key partners to consider diversionary activities with the aim of preventing the reoccurrence of the behaviour.
- **Restorative approaches:** This is also known as mediation. 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 ASB. This includes 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.
- **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
 - Acceptable behaviour agreements
 - Parenting contracts
 - Support and counselling
 - Referrals to partner agencies

Publicity

5.14 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.

5.15 In circumstances where a court has not imposed reporting restrictions Housing

Solutions may issue publicity to existing residents via a local press release, newsletters, or the website.

Domestic Abuse

5.16 Housing Solutions is opposed to all forms of domestic abuse and aims to positively support its residents who are victims of domestic abuse. Housing Solutions will take the strongest action possible against perpetrators of domestic abuse, where it has power to do so. We encourage residents and staff to report domestic abuse, whether they are victims of, or witnesses to, such incidents.

5.17 We will:

- Adopt a victim-centred approach to dealing with allegations of domestic abuse.
- Offer assistance to any of our residents who are suffering from domestic abuse, or threats of abuse, either from someone within their own home, or from someone outside their home.
- Encourage residents to report domestic abuse, whether they are victims of, or witnesses to, such incidents.
- Provide support to families to protect the public and victims of abuse and hold alleged perpetrators to account.
- Ensure that staff have access to appropriate training to enable them to provide advice to the victims of domestic abuse; to be aware of the indicators and impacts, as well as local referral routes to appropriate support services.
- Work in partnership with specialist multi-agency forums.

5.18 We adopt a multi-agency approach in dealing with perpetrators of domestic abuse. This will include working with the police and appropriate local authority departments but may involve other organisations and agencies.

5.19 The action taken against perpetrators will depend upon the individual circumstances.

5.20 Where it is considered necessary and appropriate to interview a perpetrator, there will always be two members of staff present and the venue must be considered safe.

5.21 The safety of the victim is of paramount importance. Where it is practicable for the victim to remain in their home, every effort will be made to provide additional security and support as appropriate. This may include:

- Installation of a panic alarm in the home;
- Provision of security equipment, such as a safe letterbox, additional door and window security, to safeguard the victim and their home;
- Replacement of broken windows, the removal of rubbish or the carrying out of any other emergency repair to the home as a result of a domestic violence incident without delay (within 24 hours).

5.22 Where it is *supported by evidence* that the victim would be in acute danger if they remained in their current home, we will work with other agencies to try and source alternative temporary accommodation in the first instance.

Supporting victims and witnesses

5.23 All complainants and witnesses will be treated sympathetically and sensitively

5.24 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 due to their vulnerability or the type of ASB or hate incident

5.25 Support will be tailored to individual needs and provided through all stages of an ASB investigation. It includes close working with key partners, prioritising the safety and well-being of complainants and witnesses.

5.26 Our approach to complainant and witness support includes:

- Making it easy for customers to report unacceptable behaviour, domestic abuse and hate incidents by providing a range of options: in person, by telephone, by letter, by email, through our website or through an advocate acting on their behalf
- Assessing the risk of harm from unacceptable behaviour, domestic abuse and hate incidents followed by appropriate referrals to partner agencies
- Agreeing regular communication and updates about the progress of a case and the method of contact to ensure confidentiality and safety
- Ensuring that complainants and witnesses know that they can meet staff in confidence at our offices or at an agreed choice of safe venue
- Managing cases proactively using all options open to us and our partners to deliver a resolution which is satisfactory to victims or an understanding the case can go no further.
- Using other available evidence where possible to avoid the need for complainants to be witnesses
- Improving security measures including property alarms; fire safe letter boxes; personal alarms; mobile telephones; CCTV and sound recording equipment; counselling; and negotiating priority response markers with the Police
- Using injunctions where necessary to provide additional protection
- Relocation where there is no other option and in accordance with our Allocations Policy
- Escorting to, from and at court

Closing a case

5.27 A case will be closed when:

- It has been successfully resolved; or
- The behaviour has changed, the perpetrator leaves or, in the last resort, the perpetrator is evicted; or
- By mutual agreement, there is no further action which can be taken; or
- There is insufficient evidence available to support the allegations despite our investigation; or

- No further contact has been received from a complainant and there is no other indication that unacceptable behaviour by the perpetrator is continuing or that there is any remaining risk of harm to any person.

5.28 Officers should never raise a complainant's expectations falsely. Clarity is essential. If there is no rational basis for the complaint, or rigorous investigation cannot verify the problem, the complainant must be advised that the case is closed unless further evidence is available.

5.29 A decision to close a case should always be discussed, and ideally agreed, with the complainant in a formal review meeting before confirming this in writing. Where possible, formal closure of a case should be in writing to both the complainant and alleged perpetrators, clearly explaining the reasons.

Counter Terrorism

5.30 The Prevent strategy, published by the Government in 2011, is part of the overall national counter-terrorism strategy, CONTEST. The government has issued statutory guidance about Prevent that is available here: <https://www.gov.uk/government/publications/prevent-duty-guidance/revised-prevent-duty-guidance-for-england-and-wales>

5.31 Housing Solutions has staff trained in a range of measures to challenge extremism including:

- 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;
- Supporting local schools, local industry and partner agencies through engagement, advice and training.

6. Legal Remedies

6.1 The Housing Acts 1988 and 1985 include grounds for possession based on:

- Breach of tenancy conditions
- Anti-social behaviour
- Domestic abuse

6.2 The Anti-social Behaviour, Crime and Policing Act 2014 puts victims at the heart of managing ASB and provides flexibility to protect communities and tackle anti-social behaviour.

6.3 Powers available to Housing Solutions are:

- **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. Injunctions can be enforced by the civil courts who have the power to send perpetrators to prison for breach of an injunction. Injunctions can also have a power of arrest attached to some or all of the clauses, thus enabling the police to assist Housing Solutions in managing a

particular perpetrator more effectively.

- **Undertakings:** This is a promise made to the court, usually as part of resolution of injunction or possession proceedings. There is no admission of guilt or liability by the perpetrator. The enforcement of the undertaking if a breach occurs is by application for committal to prison in the civil courts.
- **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.
- **Discretionary grounds for possession for anti social behaviour:** These grounds are available to be relied on by Housing Solutions regardless of whether we also rely on an Absolute grounds for possession or there are any other court proceedings already initiated. Housing Solutions will have to demonstrate not just that the behaviour complained of has taken place, but that it is reasonable in all the circumstances to grant an order for possession. The court also retains a discretion over the type of possession order to grant – suspended or outright.

6.4 Powers available in partnership with the Police and local authorities are:

- **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 Warnings and Notices:** 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.
- **Closure of Premises:** Prohibits access to premises where their use has resulted in anti-social behaviour
- **Community Remedies:** This will give victims a say in how a perpetrator's behaviour is dealt with

7. Vulnerable People

- 7.1 Our approach to vulnerability is set out in detail in our Vulnerable Customers Policy.
- 7.2 We include in our description of vulnerability young people under 18; people in need of community care and support services and anyone who experiences difficulties with everyday living or needs additional support to meet their obligations.

- 7.3 In shaping and delivering services to vulnerable people we will use a partnership approach building strong relationships with support agencies, developing service level agreements where appropriate, to ensure an effective response to the needs of vulnerable residents.

8. Consumer Standards

- 8.1 By adhering to this policy, Housing Solutions is upholding the requirements set out in the Consumer Standards published by the Regulator of Social Housing.

9. Equality and Diversity

- 9.1 Housing Solutions recognises the needs of a diverse population and always acts within the scope of its own Equality, Diversity & Inclusion Policy and Equalities Act 2010. Housing Solutions works closely with its partners to ensure it has a clear understanding of its resident community with clear regularly updated service user profiles. Housing Solutions will record, analyse and monitor information on ethnicity, vulnerability and disability.

10. Confidentiality

- 10.1 Under the Data Protection Act 2018 and the UK General Data Protection Regulation (UKGDPR), all personal and sensitive organisational information, however received, is treated as confidential. This includes:

- anything of a personal nature that is not a matter of public record about a resident, client, applicant, staff or board member
- sensitive organisational information.

- 10.2 Housing Solutions employees will ensure that they only involve other agencies and share information where there is a legal basis for processing the information or we are signed up to UKGDPR compliant Information Sharing Protocol.

- 10.3 Housing Solutions will treat all information received from residents in relation to this policy in confidence and will seek residents consent before sharing any information.

- 10.4 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.

- 10.5 Housing Solutions may also share information regarding anti social behaviour with other partners as part of their commitment to Community Safety partnerships. Section 115 of the Crime and Disorder Act 1998 allows information to be shared in the prevention and detection of crime and disorder.

11. Review

- 11.1 This policy will be reviewed on a 3 yearly basis or more frequently in response to changes in legislation, regulatory guidance, good practice or changes in other relevant Housing Solutions' policy.
- 11.2 Our performance in relation to the delivery of the service and activities set out in this policy will be monitored on an ongoing basis through line management of the frontline officers that deal face to face with our residents.