

Anti-Social Behaviour (ASB) and Hate Crime Policy



INFORMATION

Policy Name	Anti- Social Behaviour (ASB)and Hate Crime Policy
Effective Date(s)	June 2019
Approved By	Risk and Compliance
Approval Date	4 June 2019
Policy Owner/Dept	Property and Tenancy Management
Policy Author	Andrea Spamer, Property Manager - North
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Your Housing Group Strategic Theme			
Operational Excellence	<input checked="" type="checkbox"/>	Customer Experience	<input checked="" type="checkbox"/>
Growth and Financial Strength	<input type="checkbox"/>	People and Culture	<input checked="" type="checkbox"/>

Relevant National Standards or Regulation	Our approach to ASB and hate crime ensures that we meet the regulatory requirements of the Regulator of Social Housing's Neighbourhood and Community Standard.
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Relevant Legislation	<p>We must operate within the framework created by legislation. This Policy and subsequent Procedures and Playbook have been written with regard to relevant legislation which includes the following non-exhaustive list:</p> <ul style="list-style-type: none"> Anti Social Behaviour, Crime and Policing Act 2014 The Care Act 2014 Equality Act 2010 Housing and Regeneration Act 2008 The Children Act 1989 & 2004 Anti-Social Behaviour Act 2003 Human Rights Act 1998 Crime and Disorder Act 1998 Crime and Security Act 2001 Criminal Justice Act 2003 Data Protection Act 2018 Housing Act 1996 Housing Act 1988
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1.0 Purpose of the Policy

- 1.1 This policy sets out our approach to tackling Anti Social Behaviour (ASB) and hate crime and working with customers who experience either.
- 1.2 We recognise that our staff and contractors have a right to undertake their duties without fear of threats or intimidation. We take a zero-tolerance approach towards members of the public engaging in threats and intimidation of staff and contractors. This includes the use of social media and other forms of electronic communication to threaten, abuse, intimate and harass staff.
- 1.3 We are committed to delivering services that are fair and transparent to our customers.
- 1.4 Your Housing Group (YHG) recognise the adverse effect of crime, ASB and hate crime on residents, communities and assets. We are committed to working with our communities to tackle ASB and hate crime. We will use various tools and powers that are available to us in order to prevent it happening, especially where it is affecting our customers. We value diversity and recognise our duty to provide safe homes and sustainable communities and totally condemn all forms of discrimination and hate crime.
- 1.5 We will ensure our staff are provided with guidance and training on how to deal with complaints of ASB and hate crime and we will ensure robust systems are in place to monitor the progress of complaints.
- 1.6 We will treat complaints of ASB and hate crime extremely seriously and take prompt action to remedy complaints. We will work in partnership with our customers, the Police, Local Authorities and other agencies, where necessary, to ensure that this is achieved.

2.0 Scope of the Policy

- 2.1 This policy applies specifically where the Group provides a service to its customers and any additional service users within its accepted remit.
- 2.2 This policy applies to all paid and voluntary YHG staff and contractors.
- 2.3 Our aim is to tackle ASB and hate crime and make such behaviour unacceptable through the following measures:
 - Prevention
 - Customer expectation and involvement
 - Early intervention
 - Partnership working
 - Enforcement
 - Rehabilitation

- 2.4 We will work in partnership with other agencies to prevent and resolve ASB and hate crime in our neighbourhoods and to support our customers effectively.
- 2.5 The Group seeks to have comprehensive policies and procedures in place that are compliant with legislation and best practice yet remain flexible to the needs of the community it serves. This policy reflects good practice and meets legal and regulatory requirements.
- 2.5 This policy sets out to ensure that all ASB and hate crime complaints which directly or indirectly affect our housing management functions are dealt with in a non-discriminatory way.

3.0 Definition

- 3.1 ASB can cover a range of issues from inconsiderate behaviour to criminal behaviour. We have adopted the following definitions of ASB being conduct that:
- causes or is likely to cause a nuisance or annoyance to anyone directly or indirectly as to interfere with the quiet enjoyment of their home or affects our housing management functions; or
 - consists of or involves using or threatening to use our homes and neighbourhoods for an unlawful purpose.
- 3.2 We consider the following to be examples of anti-social behaviour, these examples are not exhaustive or exclusive:
- Violence against people and/or property;
 - Aggressive and/or threatening behaviour or language(*including causing or committing any act of violence or any form of harassment, intimidation or abuse against any member of our staff or anyone authorised to act on behalf of YHG*);
 - Any type of hate behaviour that targets members of identified groups because of their perceived differences;
 - Domestic violence or abuse (*incident or pattern of incidents of controlling, coercive, threatening behaviour violence or abuse between those who are, or have been, intimate partners or family members regardless of gender*);
 - Intimidation and/or harassment;
 - Alcohol related ASB;
 - Drug related ASB, being used or sold in the area;
 - Using a property for illegal or unlawful purposes e.g. the production, storage and/or selling of illegal substances, the storage of stolen goods, prostitution;
 - Noise nuisance such as shouting, banging/slamming doors, loud music etc.;
 - Problems caused by pets such as persistent dog barking, fouling etc.;
 - Litter, graffiti or dumping of rubbish i.e. fly tipping;

- Misuse of communal areas;
- Nuisance from vehicles including abandoned vehicles;
- Making false or malicious complaints about another person.

3.3 Occasionally customers report certain behaviours as “harassment or behaviour capable of causing a nuisance or annoyance” that may not be a nuisance as far as the law is concerned. YHG expects customers to be tolerant of other people’s lifestyles and will not accept reports of behaviour that most people accept as a reasonable part of everyday life. We will not generally deal with reports of the following as complaints of ASB:

- Children playing
- One off incident of loud noise
- One off incident of a dog barking
- Noise complaints related to hearing footsteps from a property above
- Actions which amount to people being generally unpleasant to one another, including name-calling and disputes via social media such as Facebook, unless it amounts to harassment or hate crime.
- Parking issues

3.4 Staff will exercise professional judgement when assessing whether a report of ASB meets our definition or not. Where the behaviour reported is not anti-social, we will provide customers with self-help options where appropriate, including referrals to other agencies.

3.5 Hate crimes, as defined by the Equality Act, are any crimes that are perceived to be targeted at a person because of hostility or prejudice towards that person’s:

- Disability
- Race or ethnicity
- Religion or belief
- Sexual orientation
- Transgender identity
- Alternative subculture

3.6 This can be committed against a person or a property, and can be expressed in many forms, and may include: -

- Verbal abuse
- Assault
- Vandalism
- Graffiti or offensive literature
- Threatening behaviour
- Disputes via social media

4.0 Consultation

4.1 Consultation on this Policy has taken place with existing Legal Coordinators, Service Heads, members of the Services Committee, Customers and Solicitors.

5.0 Background and Context

5.1 Under the Neighbourhood and Community Standard, registered providers are required to publish a policy on how they work with relevant partners in order to prevent and tackle ASB in areas where they own properties.

5.2 To prevent and address ASB, registered providers shall demonstrate:

- that customers are made aware of their responsibilities and rights in relation to ASB. They will provide strong leadership, commitment and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies;
- a strong focus on preventative measures that are tailored towards the needs of customers and their families;
- that prompt, appropriate and decisive action is taken to deal with ASB before it escalates, and which focuses on resolving the problem having regard to the full range of tools and legal powers available;
- that all customers and residents can easily report ASB, are kept informed about the status of their case where responsibility rests with the organisation and are appropriately signposted where it does not;
- the level of provision and of support to victims and witnesses.

6.0 Policy Detail - Our Approach to tackling ASB and Hate Crime

6.1 In our approach to ASB and hate crime, YHG is committed to identifying potential problems at the earliest possible stage and in making positive intervention to prevent situations becoming more serious. We are committed to working with victims in order to help determine our responses in dealing with reported incidents. Where appropriate a risk assessment will be completed, and any support requirements discussed.

6.2 YHG will work to prevent ASB and hate crime happening in the first instance by challenging the attitudes and behaviours that foster hatred and encourage early intervention to reduce the risk of incidents escalating.

6.3 YHG will proactively deal with reports and will ensure that effective procedures are used to tackle causes and consequence. They will take action against offenders and support victims.

6.4 We may also signpost to other agencies where necessary to help assist and encourage interventions.

6.5 We will provide a range of options for reporting incidents; ensuring that all relevant staff are trained in how to deal with receiving a report of ASB or hate crime and that all Group Legal Coordinators will be trained in how to deal this behaviour.

- 6.6 Where appropriate we will work with partners to prevent and tackle ASB or hate crime in areas where we own properties.
- 6.7 We will support and contribute to partnership initiatives to reduce crime, ASB or hate crime in areas where these are having an adverse effect on specific communities where we have housing stock.
- 6.8 We will, where necessary and appropriately, request, arrange and attend partnership meetings with relevant agencies where a multi-agency approach is required to resolve specific issues of ASB or hate crime.
- 6.9 Where appropriate we will also consider the use of relevant legal interventions, as provided for in current legislation, including obtaining injunctions against the perpetrators of the ASB seeking possession of perpetrators' homes, and asking partner agencies to make use of powers available to them, including dispersal orders. The use of Ground 7a of the Anti Social Behaviour, Crime and Policing Act 2014 for absolute possession will be considered in circumstances where a court has already found a tenant or member of their household guilty of ASB or criminality in the locality of their property.
- 6.10 When considering what, if any, legal intervention to take we will look to make fair and proportionate decisions based upon all the facts available to us at the time.
- 6.11 YHG will work alongside partner agencies to offer rehabilitation to perpetrators of ASB and hate crime to create more sustainable tenancies and communities.

7.0 Hate Incidents and Hate Crime

- 7.1 YHG take a zero-tolerance approach to all forms of hate crime and will handle the investigation of incidents robustly.
- 7.2 Where appropriate, we will work in partnership with other agencies on incidents of hate crime.
- 7.3 Dealing with hate incidents and hate crime is part of our commitment to promote equality and diversity and tackle ASB. Hate incidents and hate crimes stem from prejudice against others based on views about people's differences. They are, therefore, contrary to our principle of diversity where differences are respected and valued.
- 7.4 YHG will investigate all hate incidents and hate crimes. If an incident of ASB is perceived by a customer to be motivated by hate, then it will be treated as such. The apparent lack of motivation as to the cause of a crime or an incident is not relevant, as it is the perception of the person affected that matters.
- 7.5 As part of our multi-agency approach in dealing with hate crime and ASB we will, where appropriate, report hate incidents and hate crime to the police. This could be for recording purposes or action, depending on the customers' wishes.

8.0 Safeguarding

- 8.1 YHG has a separate Safeguarding Policy that will be adhered to if any safeguarding concerns are raised when dealing with reports of anti-social behaviour and hate crime.
- 8.2 The safeguarding of children and vulnerable adults is everyone's responsibility; this includes all staff, Board & committee members, volunteers, placement students and contractors. We recognise therefore that these groups must have an awareness and understanding of safeguarding issues and have the ability to report any suspicions or concerns they may have and understand the procedures which must be followed. The Safeguarding Policy sets out how this will take place.

9.0 ASB towards Staff

- 9.1 We have a responsibility to all our staff, contractors and volunteers which allows them to work in an environment that is safe, secure and free from fear of violence and threats of violence or abuse.
- 9.2 When identifying a person or property that may present a risk we endeavour to ensure the appropriate steps are taken to help us manage potentially sensitive or dangerous issues.
- 9.3 Any reported concerns in relation to staff protection will be considered by our Legal Coordinators/Line Managers in line with this policy

10.0 Reporting and Categorising ASB and Hate Crime

- 10.1 We encourage our customers and people living, visiting and working in our neighbourhoods to report ASB and hate crime to YHG
We provide a range of ways to report these activities:
- Website via Incident page
 - Email
 - Webchat
 - In writing
 - Telephone – Your Response and Out of Hours
- 10.2 All reports of ASB and hate crime are logged onto our Datix system and allocated a Red, Amber or Green status based on information provided at the time of notification.

11.0 Reviewing and Monitoring

- 11.1 We will closely monitor the effectiveness and implementation of this policy to ensure that we continue to protect our customers and tackle ASB effectively.

12.0 Responsibilities under this Policy

12.1 Responsibility for the execution of this policy rests with all staff and contractors working on behalf of YHG, whether that work is paid or voluntary. This includes:

- Your Housing Group employees
 - Agency Staff
 - Managing Agents
 - Contract Staff – when working under contract to the group e.g. contractors working in Your Housing Group owned or managed homes
 - Volunteers – when working by agreement for or on behalf of the group e.g. providing assistance at social occasions or during consultation events
 - Third parties who are engaged in providing a service at the request of YHG
- (This list is not exhaustive)

12.2 If any member of staff has any concerns about the safety or wellbeing of a child and/or adult at risk, they must immediately follow the YHG Safeguarding Procedure.

12.3 **Failure to comply** with these obligations **may result in disciplinary action** in accordance with the Your Housing Group Disciplinary Procedure.

12.4 As new policies are formulated it will be the responsibility of the Strategic Safeguarding / Equality & Diversity Group to ensure any necessary updates to this policy are made in a timely manner.

13.0 Risk Management

13.1 ASB and hate crime is a key responsibility for housing, care and support providers. YHG will seek to mitigate business risk through this policy.

13.2 The risk here is not just risk to the business – the first and most crucial risk is to customers. Where it is practicably possible YHG will always try and safeguard children and adults at risk who live in our properties or receive our services.

13.3 Staff reporting incidents of ASB or hate crime must follow the Incident, Accident and Near Miss procedure. Once completed on the DIF1 Form automatic email notifications will be sent to the relevant Legal Coordinators and Group Safeguarding Officer who will provide advice and support to managers as required.

13.4 We will ensure YHG is compliant with the standards for tackling ASB and hate crime in line with legislative requirements.

14.0 Data Protection, Record Storage and Retention

14.1 YHG recognises that confidentiality is important to customers and will treat all information relevant to each customer in the strictest confidence, as will all contractors, under the Data Protection Act 2018, including the GDPR provisions. YHG's Data Protection Policy will also be adhered to in following this policy.

14.2 Staff recognise that information must be recorded in writing and permission should be requested in court where a complainants' identity would be compromised.

14.0 Equality and Diversity

15.1 YHG recognises that all children and adults at risk, without exception, have the right to protection from abuse.

15.2 This policy complies with the Equalities Act 2010 to ensure equality of treatment for all customers without discrimination or prejudice.

15.3 YHG will ensure that the maximum information in relation to the customer and the property is available and is used by both its employees and contractors to enable the service to be delivered sensitively to YHG customers. All protected characteristics (as defined within the Equality Act 2010) will be considered.

15.4 An Equality Impact Assessment has been undertaken on this Policy.

15.5 On request, YHG will provide translations of all its documents, policies and procedures in various languages and other formats such as large print, Braille etc, and these can be obtained by contacting Your Response, who will contact the Equality and Diversity lead.

15.0 Communication

16.1 All staff will be required to read this policy under the mandatory reads section of Youggle.

16.0 Learning and Development

17.1 YHG is committed to putting arrangements in place that ensure effective training of all staff.

17.2 YHG expects all their staff to be trained in children and adult safeguarding at level 1. Further levels of training will be determined by the responsibilities set out in job descriptions/role functions and described within the YHG Safeguarding Training Strategy. The Strategy has been based on statutory and national guidance.

17.0 Performance Management of this Policy

18.1 We will use the following non-exhaustive list to measures and monitor our performance:

- The volume of cases opened and closed and types of cases;
- The length of time it takes us to resolve a case;
- Number of cases resolved and unresolved;
- Response times in cases having regard to the seriousness of the ASB;
- Satisfaction with how we have handled the case and improving the service that is provided by continuously reviewing feedback.

18.0 Review of this Policy

- 19.1 YHG will review this policy every 2 years, or earlier if required by statutory, regulatory, legislative or best practice requirements or the need to update this policy following reviews of other Group wide policies or improvements identified by service reviews, scrutiny or feedback from customers.
- 19.2 This Policy will be reviewed by the Designated Safeguarding Manager.

Related Documents

Document Type	Name
Connected Policies and Procedures	Safeguarding Policy Domestic Abuse Policy Tenancy/Access to Housing Policy Equality and Diversity Policy Hoarding Policy Confidentiality Policy Incidents, Accidents and Near Miss Policy Whistleblowing Policy
Forms and Letters	Risk Assessment
Leaflets/Publicity Material	
Training Materials Available	
Intranet/ Website Page	Playbook YHG Website Youngle