

ASB and Hate Crime Policy

INFORMATION

Policy Name	Anti- Social Behaviour (ASB) and Hate Crime Policy
Effective Date(s)	May 2024
Approved By	Customer Connect Panel – March 2024 Customer Scrutiny Panel – March 2024 Risk and Compliance Group – April 2024 Customer Services Committee – May 2024
Approval Date	Customer Services Committee – 09 May 2024
Policy Owner/Dept	Head of Housing
Policy Author	Service Manager – Housing Operations
Review Date	May 2026
Version Number	3.0

Version Control

Version	Date	Changes	Approver
3.0	March 2024	Section 1.7 - Removal of how we respond to domestic abuse, as this is dealt with in a separate Domestic Abuse Policy	
		Section 8.1 - Removal of how we respond to safeguarding concerns, our arrangements and response are within a separate Safeguarding Policy	
		Relevant Legislation Section – Additional six relevant legislations have been added from Protection of Harassment Act 1997 to The Management of Health and Safety at Work Regulations 1999	
		Section 3.7 - Included an example list of Hate Incidents	
		Section 3.9 and 6.8 - Included what is an ASB Case Review (formerly known as a Community Trigger) and what we need to do when we are notified by the local authority	
		Section 6.6 - Included the use of an ASB Action Plan whilst we work with the victim and witness of ASB	
		Section 17.1 - Updated our Key Performance Indicators and included the two Tenant Satisfaction Measures for ASB	
		Related Documents - Included all ASB forms, letters and training guidance	

Business Plan Theme			
Keep Everyone Safe	<input checked="" type="checkbox"/>	Be a Great Landlord	<input checked="" type="checkbox"/>
Deliver New Affordable Homes	<input type="checkbox"/>	Innovation and Transformation	<input type="checkbox"/>
Business Viability	<input type="checkbox"/>	People and Culture	<input checked="" type="checkbox"/>

Relevant National Standards or Regulation	Our approach to anti-social behaviour (ASB), hate incidents and 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 Procedure 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 Equality Act 2010 Housing and Regeneration Act 2008 Human Rights Act 1998 Crime and Disorder Act 1998 Crime and Security Act 2010 Criminal Justice Act 2003 Data Protection Act 2018 and subsequent Regulations Housing Act 1996 Protection from Harassment Act 1997 Freedom of Information Act 2000 HCA Regulatory Framework 2012 Safeguarding of Vulnerable Groups Act 2006 The Health and Safety at Work Act 1974 The Management of Health & Safety at Work Regulations 1999
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1.0 Purpose of the Policy

- 1.1 This policy sets out how we deal with reports of anti-social behaviour (ASB), hate incidents and crime and the action we may take against those causing ASB.
- 1.2 Your Housing Group (YHG) recognises the adverse effect of crime, ASB and hate crime on residents, communities, and assets. We are committed to providing a proactive, preventative approach to tackle ASB hate incidents and crime in our communities. We will use various tools and powers that are available to us 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 condemn all forms of discrimination.
- 1.3 Our staff and contractors have a right to undertake their duties without fear of threats or intimidation. We take a robust 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, intimidate and harass staff.

- 1.4 We are committed to delivering services that are fair and transparent to our customers.
- 1.5 We will ensure our staff are provided with guidance and training on how to deal with reports of ASB, hate incidents and crime and we will ensure robust systems are in place to case manage reports of ASB and hate crime.
- 1.6 We will treat reports of ASB hate incidents and crime seriously, take a victim centred approach and take prompt action to address issues. We will work in partnership with our customers, the Police, Local Authorities and other agencies, where necessary, to ensure that this is achieved.
- 1.7 This policy excludes our response to domestic abuse, as this is dealt with in a separate Domestic Abuse Policy. Complaints about the way we manage our response to ASB reports are dealt with through our Customer Feedback Policy.

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 through the following measures:
 - Prevention
 - Customer expectation and involvement
 - Early intervention
 - Partnership working
 - Enforcement
 - Support and rehabilitation
- 2.4 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 communities it serves. This policy reflects good practice and meets legal and regulatory requirements.
- 2.5 This policy sets out to ensure that all ASB hate incident and crime reports which directly or indirectly affect our housing management functions are dealt with in a non-discriminatory way.

3.0 Definitions

- 3.1 ASB can cover a range of issues from inconsiderate behaviour to criminal behaviour. We define ASB as 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
- involves using or threatening to use our homes and neighbourhoods for an unlawful purpose

3.2 We consider the following to be examples of ASB, these examples are not exhaustive or exclusive:

- Violence and threats of 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;
- Intimidation and/or harassment;
- Being drunk and disorderly in the neighbourhood ;
- Selling drugs, or drug abuse
- 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, swearing and playing loud music, using noisy machinery etc.;
- Graffiti, damaging property or dumping rubbish
- Misuse of communal areas;
- Nuisance from vehicles including abandoned vehicles;
- Making false or malicious complaints about another person;
- Animal related nuisance;
- Interfering with or damaging security or safety equipment in any property

3.3 People have a right to enjoy their homes and are entitled to go about their daily lives without having concerns that reports will be made against them. We expect neighbours to be tolerant of other people's lifestyles so long as their lifestyle is reasonable and therefore cannot accept reports of behaviour that most people accept as a reasonable part of everyday life. We will not generally deal with the following examples as reports of ASB:

- Children playing
- Isolated incident of loud noise
- Isolated 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 incident and 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 ASB, we will provide customers with self-help options where appropriate, including signposting customers to other agencies.
- 3.5 Hate crime, 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 (such as being Goth, Punk or Hipster are vibrant and diverse subcultures)
- 3.6 Hate crime can be committed against a person or a property, and can be expressed in many forms, and may include: -
- Assault
 - Criminal damage
 - Robbery
 - Sexual assault
 - Harassment
 - Inciting others to commit hate crimes
- 3.7 Hate incident is any incident which person/s thought that the incident was hate related and may include:
- Verbal abuse and insults
 - Isolation and exclusion
 - Abusive phone calls or text messages/hate mail
 - Online abuse
 - Distributing discriminatory literature
 - Bullying or intimidation
 - Damage to home, pets, vehicle etc.
- 3.8 The term Customer relates to residents including tenants, leaseholders and freeholders.
- 3.9 We will promote the ASB case review (also known as a Community Trigger) with our customers, this is a mechanism for victims of persistent ASB to request that relevant bodies undertake a case review. Where the threshold is met the local authority will carry out the ASB case review end to end and when requested we will share information in relation to the ASB case and action that has previously been taken. Relevant bodies are set out in the ASB Crime and Policing Act 2014 and include local authorities, the police, health providers and providers of social housing.

4.0 Consultation

4.1 Consultation on this Policy has taken place with managers and staff within housing, members of the Customer Scrutiny Panel, Customer Connect Panel and Solicitors.

5.0 Background

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

5.2 To prevent and respond to reports of 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 households;
- that prompt, appropriate and decisive action is taken to deal with ASB before it escalates, 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 support to victims and witnesses.

Your Housing Group (YHG) Policy –

6.0 Our Approach to respond to ASB, Hate Incidents and Crime

6.1 In our approach to ASB, hate incidents and crime, YHG is committed to identifying potential problems at the earliest possible stage and making positive intervention to prevent situations becoming more serious. We are committed to working with victims to determine our responses in dealing with reported ASB incidents and we will encourage people to report criminal acts to the police. We will carry out , a risk assessment to assess the impact the ASB is having on the individual , and discuss any support requirements.. We will also use the risk assessment to help us prioritise cases.

6.2 We will work to prevent ASB, hate incidents and 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 We will proactively deal with reports and will ensure that effective procedures are used to tackle causes and consequence. We will take action against perpetrators and support victims.

- 6.4 We may also complete referrals to other agencies where necessary to help, assist and encourage other interventions.
- 6.5 We will provide a range of options for reporting ASB incidents. This includes by telephone, letter, through our website and to our external service provider outside working hours. This makes reporting ASB accessible to people from all our communities. We will ensure that all relevant staff are trained to receive a report of ASB, hate incident or crime and ensure that all the relevant teams responsible for managing ASB cases are trained to respond to it.
- 6.6 We will work with the victim and witness of ASB where this is possible, to agree a plan to tackle the ASB. This will set out the actions the person and YHG will take to resolve or reduce the ASB. A named member of staff will keep these customers informed at regular intervals about the action being taken, including next steps to deal with the ASB. We will agree the frequency of those updates with the customer. Where it is appropriate to do so, we will use mediation to try and resolve the ASB before it escalates.
- 6.7 We will support and contribute to partnership initiatives to reduce crime, ASB or hate crime in areas where we have housing stock.
- 6.7 We will, where necessary request, arrange and attend partnership meetings with relevant agencies to provide relevant information to help resolve specific issues of ASB, hate incident or crime.
- 6.8 We will work with responsible agencies such as the Local Authority and Police when a ASB case review is requested.
- 6.9 We will take proportionate and timely action to deal with the ASB. The action will be proportionate to the severity, impact and frequency of the ASB and the evidence available to support the case. 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 appropriate circumstances where the grounds for possession are made out.
- 6.10 When considering legal proceedings, we will complete a proportionality exercise based upon all the facts available to us at the time.
- 6.11 We will work alongside partner agencies to offer support to perpetrators of ASB to create more sustainable tenancies and communities.

7.0 Hate Incidents and Hate Crime

- 7.1 We take a robust approach to all forms of hate and will handle the investigation of incidents appropriately.
- 7.2 Where appropriate, we will work in partnership with other agencies on incidents of hate crime.

7.3 Dealing with hate incidents and crime is part of our commitment to promote equality and diversity and tackle ASB. Hate incidents and 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. Information to support customers can be found in two YHG's policies; (1) Equality, Diversity, and Inclusion Policy and (2) Transgender Policy.

7.4 We will investigate all hate incidents and if an incident of ASB is perceived by a customer to be motivated by hate, then it will be investigated 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 we will report all hate incidents and crime to the Police. This could be for recording purposes or action, depending on the customers' wishes.

8.0 Safeguarding

8.1 We have a separate Safeguarding Policy that will be followed if any safeguarding concerns are raised when dealing with reports of ASB, hate incidents and crime.

9.0 ASB towards Staff

9.1 We have a responsibility to all our staff, contractors and volunteers which allows them to work, so far as is reasonably practicable, 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, via application of risk assessment, that the appropriate steps are taken to help us manage potentially sensitive or dangerous issues.

9.3 Any reported concerns in relation to staff safety/protection will be considered by our ASB and Health and Safety teams, where necessary, 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, hate incidents and crime to us. We provide a range of ways to report these activities:

- Website
- Email
- Webchat
- In writing
- Telephone

10.2 All reports of ASB, hate incidents and crime are logged on our risk management system and allocated a Red, Amber or Green case status based on information provided at the time of when the risk assessment was completed.

11.0 Closing ASB Cases

- 11.1 We will close an ASB case when the behaviour has improved to an acceptable level, when there is no further reasonable action we can take to resolve the matter; or at the request of the customer reporting the ASB.
- 11.2 We will seek to discuss our intention to close the case with the customer who reported ASB before we send a closure letter. We will only consider re-opening a case if it is appropriate to do so.

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. Responsibilities include the reporting of and/or the management of ASB incidents.
- 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 and/or Domestic Abuse Procedure
- 12.3 **Failure to comply** with these obligations **may result in disciplinary action** in accordance with our Disciplinary Procedure.
- 12.4 As new policies are formulated it will be the responsibility of the ASB Service Improvement Group, Safeguarding Operational Group, Equality, Diversity and Inclusion Group to ensure any necessary updates to this policy are made in a timely manner.

13.0 Risk Management

- 13.1 ASB, hate incident and 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.
- 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 We recognise 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.

14.0 Equality and Diversity

- 14.1 We recognise that all children and adults at risk, without exception, have the right to protection from abuse.

- 14.2 This policy complies with the Equalities Act 2010 to ensure equality of treatment for all customers without discrimination or prejudice.
- 14.3 We 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.
- 14.4 An Equality Impact Assessment has been undertaken on this Policy.
- 14.5 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 arranged by contacting Your Response, who will contact.

15.0 Communication

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

16.0 Learning and Development

- 16.1 We are committed to putting arrangements in place that ensure effective training of all staff.
- 16.2 We expect all 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 role profiles and functions..

17.0 Performance Management of this Policy

- 17.1 We will use the following Key Performance Indicators and Tenant Satisfaction Measures to measure and monitor our performance:

Key Performance Indicators:

- Number of new ASB cases reported;;
- % of ASB cases met FPOC triage within timescale (2 working days);;
- Number of open ASB cases;;
- % ASB cases resolved;
- % Resolved by 1st intervention eg ABC and warning (verbal/written);
- Number of closed ASB cases;

Tenant Satisfaction Measures:

- NM01 – ASB cases relative to the size of the landlord
- TP12 – Satisfaction with the landlord’s approach to handling ASB

18.0 Review of this Policy

- 18.1 We 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.
- 18.2 This Policy will be reviewed by the Service Manager – Housing Operations.

Related Documents

Document Type	Name
Connected Policies and Procedures	ASB and Hate Crime Procedure ASB Litigation Procedure Safeguarding Policy Domestic Abuse Policy Access to Housing Policy Communal Areas Policy Equality, Diversity and Inclusion Policy Transgender Policy Hoarding Policy Confidentiality Policy Incidents, Accidents and Near Miss Policy Whistleblowing Policy Tenancy Policy CCTV Policy Neighbourhood Management Policy Health, Safety and Wellbeing Policy
Forms and Letters	ASB3 - Risk Assessment Matrix ASB4 – Standard Letter not ASB ASB6 – Incident Diary ASB7 – ASB Action Plan ASB8 – Target Hardening Survey ASB10 – Alleged Perpetrator Appointment Letter ASB11 – Alleged Perpetrator Interview Form ASB13 – Outcome of Interview – Warning ASB15 – Noise App Process Map and Letter ASB16 – Case Conference Referral Form ASB18 – Proportionality Assessment ASB19 – Pre-Legal Checklist ASB20 – Case Closure Letter ASB21 – ASB Quality Assessment
Leaflets/Publicity Material	Service Standards: Anti-Social Behaviour (ASB)

Training Materials Available	<p>Via Helix for colleagues</p> <p>ASB1 – Incident Level Guidance</p> <p>ASB2 – Boundary of Responsibility Guidance</p> <p>ASB5 – Complainant Interview Guidance</p> <p>ASB12 – Perpetrator Interview Guidance</p> <p>ASB14 – Mediation Referral Form</p> <p>ASB17 – ASB Tools and Powers Guidance</p>
Intranet/ Website Page	<p>YHG Website</p> <p>Youzzle</p>

Checklist

(To be completed by the Research and Policy Manager)

Policy Name: ASB and Hate Crime Policy	
Version No: 3.0	Effective Date: May 2024
Status: Full Review	
Previous Policy Name (where appropriate)	
Brief Summary of Changes from Previous Version: <p>The main changes to the previous policy version 2.0 are detailed in the version control changes at the start of the policy. Overall the changes are detailed in sections; 1.7; 3.7; 3.9; 6.6; 17.1 and the removal of 8.2.</p>	
Internal Consultation Group: <p>Full Equality Impact Assessment carried out by members of the Equality Impact Assessors Group.</p>	Customer Consultation: <input checked="" type="checkbox"/>
	Date of Customer Consultation: 28 March 2024
	Customer Consultation Brief Details: <p>Presentation provided to Customer Connect Panel to give a brief on the changes made.</p>
Link to Consultation Document(s):	
Date Initial Equality Impact Assessment Undertaken: n/a	Equality Impact Assessor R. Nixon / K. Lynch / C. Greenall
Reason for Decision: n/a	
Date Full Equality Impact Assessment Undertaken: March 2024	
Brief Outline of any Changes Recommended from EIA: <p>Include two new policies: (1) Equality, Diversity and Inclusion Policy and (2) Transgender Policy.</p>	
Data Protection/ GDPR Implications: <input checked="" type="checkbox"/>	
Brief Outline of Data Protection/GDPR Implications: 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

Legal Implications: <input type="checkbox"/>		Legal Panel Consulted: <input checked="" type="checkbox"/>		Date: March 2024	
Risk Implications: <input type="checkbox"/>		Risk Logged on Datix: <input type="checkbox"/>		Date:	
Resource Implications	People: <input type="checkbox"/>	Finance: <input type="checkbox"/>	Asset: <input type="checkbox"/>	Other: <input type="checkbox"/>	
Brief Summary of how Resource Implications have been addressed:					
Training Plan Completed – n/a					
How will communication on this Policy take place:					
Intranet/ YHG Website					
Policy Owner: (Department) Housing			Policy Author: Service Manager – Housing Operations		
Policy Signed Off By: Aaron Hammersley				Date: March 2024	
Policy Approved By:				Date:	
Customer Connect Panel				March 2024	
Risk and Compliance Group				April 2024	