

# Anti-Social Behaviour, Hate Crime & Hate Incidents Policy

1. This policy sets out how we deal with reports of anti-social behaviour (ASB) and the action we may take against those causing ASB. Our response to ASB applies to Guinness residents, other persons causing a nuisance in neighbourhoods where we own properties; and visitors to our neighbourhoods where this interferes with our housing management function. This includes ASB towards our staff and contractors.
2. In this policy, we use the umbrella term “ASB” to cover anti-social behaviour, hate crime and hate incidents. However, each of these terms have particular meanings which are defined in Annex 1.
3. The policy excludes our response to domestic abuse, as this is dealt with in a separate Customer Domestic Abuse policy. Complaints about the way we manage our response to ASB reports are dealt with through our Complaints & Compensation policy.
4. It is important that neighbours understand and tolerate the different lifestyle of others, so long as their lifestyle is reasonable. People have a right to enjoy their homes and are entitled to go about their daily lives without having concerns that complaints will be made against them. We do not consider low-level neighbour disputes and day to day living noise, which is not excessive or unreasonable, as ASB.

## The Guinness Policy

5. Our policy is that we will:
  - Comply with legal, regulatory and contractual requirements in order to prevent and tackle anti-social behaviour, hate crime and hate incidents;
  - Take a victim-centred approach;
  - Communicate clearly with our customers to explain anti-social behaviour and our approach, so they understand what they can expect from us and what we expect from them;
  - Expect customers, members of their household and visitors to be considerate, tolerant and understanding of others and behave reasonably, in accordance with the responsibilities set out in the tenancy and lease agreements;
  - Encourage customers to resolve their own matters with their neighbours where it is safe and appropriate do so, while being clear about the circumstances in which we may take action and how we will proceed where that is the case;
  - Ensure customers can easily and safely report incidents and are kept proactively informed about our response to those reports and progress in dealing with ASB;
  - Risk assess the level of harm the anti-social behaviour, hate crime or hate incidents causes to individuals when the matter is reported and while a resolution is sought;
  - Aim to resolve cases promptly using the full range of methods and legal powers available to us. This means taking reasonable, timely and proportionate action appropriate to the harm caused. It may include referral to a Guinness procured mediation service;
  - Work in partnership with other agencies to prevent and tackle anti-social behaviour, hate crime and hate incidents;
  - Provide appropriate support to victims and witnesses, including referrals to support services; and
  - Consider ASB in reviewing and determining whether to offer tenancies.

## Background

6. The policy supports the delivery of our strategic objective to meet our legal and regulatory requirements. Relevant legal and regulatory requirements are set out below.

7. The main legal requirement for Registered Providers (RPs) is set out in the Housing Act 1996. The Act requires RPs to prepare a policy in relation to ASB, publish a statement of the policy, keep the policy under review and, when it's appropriate, to publish a revised statement. In preparing and reviewing the policy, RPs must have regard to guidance issued by the Regulator of Social Housing (RSH).
8. The full range of methods and powers available to us to resolve ASB is outlined in the Anti-Social Behaviour, Crime and Policing Act 2014. These include, but are not limited to, civil injunctions and possession action.
9. The Equality Act 2010 is important when we seek to resolve ASB as it provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. The Act makes discrimination unlawful in relation to nine "protected characteristics" and established the Public Sector Equality Duty (PSED). The PSED applies to a public authority or to a body who is not a public authority (such as a RP), when they exercise a public function. In our case, it applies in the provision, allocation and management of social housing. We are mindful of our duties under the Equality Act 2010 and we work in full compliance with our Diversity & Inclusion policy in order to provide a fair, accessible and transparent service.
10. We are therefore subject to the PSED whenever we are contemplating taking, or enforcing, possession action and a person with a protected characteristic is likely to be affected by that decision. We carry out proportionality reviews to demonstrate we have had due regard to the PSED.
11. The RSH's Neighbourhood and Community Standard 2012 requires that RPs shall "work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes".
12. Finally, our tenancy and lease agreements set out our expectations about how our customers should behave whilst living in their homes.

### **Further detail**

#### *Receiving reports of ASB*

13. People can report ASB to Guinness in a number of different ways. This includes by telephone, email, letter, through our website or via live chat. Reports can be made to any member of staff during normal working hours and to our external service provider outside this time. This makes reporting ASB more accessible to people from all our communities.
14. We will acknowledge all new ASB reports within a maximum of two working days. We may respond more quickly where we consider the person is at high risk of harm.
15. Serious ASB, for instance where there is actual or an immediate risk of harm, should be reported to the police by dialing 999. We will encourage people to report criminal acts to the police.

#### *Assessing the risk, support needs and vulnerability*

16. When we receive a report of ASB, we will carry out a risk assessment to assess the impact the ASB is having on the individual, and whether they are vulnerable and have any support needs. We will also use the risk assessment to help us prioritise cases.

#### *Proportionality*

17. 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. In most cases, legal action is not required however we will take legal action if it is appropriate to do so.

18. We will consider the needs of each household member for all households involved. This includes the household of the complainant and the alleged perpetrator. We may then make referrals to appropriate support agencies as required. We will regularly review the proportionality of our actions as we seek a resolution to the ASB.

*Agreeing action plans and taking action*

19. We expect most people to solve their own problems with their neighbours, but if they cannot, we may take action. There is a variety of action we may take to resolve the ASB. This action may be preventative, non-legal, or legal. Sometimes a single action may be taken, and sometimes number of actions and /or other measures may be taken.
20. We will work with the complainant and the alleged perpetrator where this is possible, to agree a plan to tackle the ASB. This will set out the actions the person and Guinness will take to stop the ASB. Where it is appropriate to do so, we will use mediation to try and resolve the ASB before it escalates.
21. Where mediation and reasonable requests to stop the ASB fail, we may decide to take additional action to resolve the behaviour. In serious cases this may include taking legal action.
22. A named member of staff will keep customers informed at regular intervals about the action being taken, including the next steps to deal with the ASB. We will agree the frequency of those updates with the customer.

*Working in partnership*

23. We know that dealing with ASB quickly can prevent it from escalating and becoming a major issue. Where we have a particular problem with ASB in neighbourhoods where we own properties, we may work in partnership with other agencies including the police or local authority to tackle the ASB. This includes responding to community triggers whereby victims of persistent ASB may request a review of their case (see Annex 1).
24. Where responsibility for investigating an incident lies with another agency, such as the police or local authority, we will provide that agency with appropriate support. This includes providing relevant information to help them resolve the matter.

*Closing cases*

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

*Staff training*

26. We will provide regular training, both for our customer-facing staff who may receive reports of ASB and for staff responsible for managing ASB cases.

*Improving our services*

27. We will regularly monitor the progress of ASB cases. We will conduct satisfaction surveys when we close reports and analyse the data in order to improve and develop our services.
28. We will consider ASB when we review tenancies or are making decisions about whether to offer tenancies. We may refuse an application or council nomination where legal proceedings for ASB have

commenced or have already been taken. This includes legal proceedings against the applicant(s) or any member of the household by Guinness or any other RP.

*Data protection and confidentiality*

29. We will comply with the collection, storage, access to, provision of and disclosure of data in accordance with the Crime and Disorder Act 1998, General Data Protection Regulation 2016 and the Data Protection Act 2018.

**Period of review**

30. Our review programme is driven by service improvement initiatives, changes to legislation, regulation, evolving good practice or feedback from customers and other key stakeholders. Typically, we review policies on a three-yearly cycle.

**Key legal and regulatory references**

- Housing Act 1996
- Protection from Harassment Act 1997
- Crime and Disorder Act 1998
- Human Rights Act 1998
- Freedom of Information Act 2000
- Criminal Justice Act 2003
- Equality Act 2010
- HCA Regulatory Framework 2012
- Anti-Social Behaviour, Crime and Policing Act 2014
- General Data Protection Regulation 2016
- Data Protection Act 2018.

**Related policies**

- Allocations policy
- Complaints and compensation policy
- Customer domestic abuse policy
- Data protection policy
- Diversity and inclusion policy
- Estate management policy
- Mutual exchange policy
- Safeguarding adults, children and young people policy
- Starter tenancies policy
- Tenancy policy
- Tenancy fraud policy.

<b>Version number</b>	3.0
<b>Policy approved by</b>	Service & Performance Committee
<b>Policy approval date</b>	July 2020
<b>Policy effective from</b>	July 2020
<b>Policy review date</b>	July 2023

<b>Equality analysis approval date</b>	June 2020	
<b>Policy author</b>	Helen Hatton, Housing Policy Officer	
<b>Lead director</b>	John Cockerham, Director of Customer Service Operations	
<b>Policy owner</b>	Trafford Wilson, Executive Director of Customer Services	
<b>Version history</b>		
<b>Version number</b>	<b>Review trigger</b>	<b>Brief description of the main changes</b>
3.0	Cyclical review	The changes include inserting the policy into the new corporate template and re-drafting the clauses.

**Annex 1: Definitions**

Term	Description
Anti-social behaviour	<p>We have adopted the definition of ASB in the Anti-social Behaviour, Crime and Policing Act 2014:</p> <p>Anti-social behaviour means –</p> <ul style="list-style-type: none"> <li>• Conduct that has caused, or is likely to cause, harassment, alarm, or distress to any person</li> <li>• Conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises, or</li> <li>• Conduct capable of causing housing-related nuisance or annoyance to any person.</li> </ul> <p>Examples include:</p> <ul style="list-style-type: none"> <li>• Playing loud music, radios and televisions</li> <li>• Shouting, arguing, swearing and slamming doors</li> <li>• Allowing dogs to bark or roam</li> <li>• Allowing animals to foul shared areas</li> <li>• Using noisy machinery</li> <li>• Being drunk and disorderly in the neighbourhood</li> <li>• Prostitution</li> <li>• Selling drugs, or drug and alcohol abuse</li> <li>• Dumping rubbish</li> <li>• Obstructing shared areas</li> <li>• Dismantling or repairing motor vehicles</li> <li>• Driving, riding or using vehicles (including bikes, motorcycles, quad bikes, and mini-motos) or skateboards dangerously or inconsiderately or on paths or within pedestrian areas</li> <li>• Throwing anything out of a window of your home</li> <li>• Displaying offensive or obscene messages or posters</li> <li>• Causing graffiti or damaging property</li> <li>• Playing ball games near other people’s homes or cars or where ball games are not permitted</li> <li>• Interfering with or damaging security or safety equipment in any property</li> <li>• Failing to maintain your garden to an acceptable standard.</li> </ul>
Community trigger (also known as an	The community trigger is a mechanism for victims of persistent anti-social behaviour to request that relevant bodies undertake a case review. A case review would entail

<p>“ASB case review”)</p>	<p>the relevant bodies sharing information in relation to the case, discussing what action has previously been taken, and collectively deciding whether any further action could be taken. Relevant bodies are set out in the Anti-social Behaviour, Crime and Policing Act 2014 and include local authorities, the police, health providers and providers of social housing.</p> <p>Any individual, community or business can make an application for a case review, and the relevant bodies must carry out a case review if the threshold is met. The threshold will be set by the relevant bodies and could, for example, be three reports of separate incidents of anti-social behaviour in a six-month period, where there has not been an adequate response to that behaviour. The threshold may also be set with reference to the persistence of the behaviour, the potential for harm to the victim, and the adequacy of response from agencies.</p>
<p>Hate crime</p>	<p>Any criminal offence which the victim, or any other person, views as being caused by prejudice or hate because of a person’s actual or perceived disability, gender reassignment, race, religion, or sexual orientation.</p> <p>Hate crimes can include:</p> <ul style="list-style-type: none"> <li>• Assault</li> <li>• Criminal damage</li> <li>• Robbery</li> <li>• Sexual assault</li> <li>• Theft</li> <li>• Inciting others to commit hate crimes</li> <li>• Harassment</li> </ul> <p>Hate crime comes with a heavier sentence than ASB, if proven.</p>
<p>Hate incident</p>	<p>Any incident which is viewed by the victim or anyone else as being caused by prejudice or hate because of their disability, gender identity, race, religion or belief, or sexual orientation. Not all hate incidents are criminal offences. The individual does not need to personally perceive the incident to be hate related. It is enough if another person thought that the incident was hate related.</p> <p>Hate incidents can include:</p> <ul style="list-style-type: none"> <li>• Verbal abuse or insults</li> <li>• Isolation and exclusion</li> <li>• Abusive phone calls or text messages/hate mail</li> <li>• Online abuse</li> <li>• Distributing discriminatory literature</li> <li>• Bullying or intimidation</li> <li>• Damage to home, pets, vehicle, etc.</li> </ul>