



# ANTI-SOCIAL BEHAVIOUR & HATE CRIME POLICY

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# ANTI-SOCIAL BEHAVIOUR & HATE CRIME POLICY

## DOCUMENTATION MASTER SHEET

Amendments to this Document are Detailed Below.

Version Number	Date Amended	Comments	Date Approved	Author	Approved By
01	30/10/18	Full rewrite	08/11/2018	SB/BR	Tenant Panel
02	11/02/22	Minor amendments reflecting changes in structure & available agencies	14/03/2022	NB/KS/PR	Tenant Panel
03	30/8/22	Minor amendments following Resolve conference	30/8/22	NB	NT
04	August 23	Amendment to reflect new Good Neighbourhood Management policy re noise	August 23	NB	NT
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# ANTI-SOCIAL BEHAVIOUR & HATE CRIME POLICY

## OVERALL AIM/INTRODUCTION

Tackling Anti-Social Behaviour (ASB) and Hate Crime is a priority at Gloucester City Homes (GCH) and is consistently a key priority for our tenants and leaseholders; we recognise that failure to tackle ASB effectively could substantially blight the quality of life for those people living with ASB and can damage our ability to develop sustainable communities.

GCH are committed to tackling and reducing anti-social behaviour our neighbourhoods and we will take every opportunity to work in partnership with other agencies to achieve this.

This policy will also ensure that our response to anti-social behaviour is appropriate and proportionate. We will use the legal and contractual powers available to us to act where our tenants, or occupants of our leasehold properties are either the victims or perpetrators of anti-social behaviour.

## SCOPE OF POLICY

GCH will investigate incidents of nuisance or anti-social behaviour directed towards our tenants (including tenants, leaseholders and shared owners) their visitors or any others engaged in a lawful activity in the locality of our homes, including our colleagues, contractors and others acting on our behalf.

The policy applies to general needs tenants, independent living tenants, leaseholders, shared owner and licensees and assured shorthold tenants living in our homeless and dispersed homeless accommodation.

We have separate policies covering, domestic abuse and safeguarding. We recognise that, where appropriate, anti-social behaviour and hate incidents directed at vulnerable adults or children should be addressed and investigated through safeguarding procedures.

## LEGAL AND REGULATORY EXPECTATIONS

The following legislation has been considered:

- Housing Act 1996
- Civil Evidence Act 1995
- Crime and Disorder Act 1998
- Data Protection Act 1988
- Housing Act 1988

# ANTI-SOCIAL BEHAVIOUR & HATE CRIME POLICY

- Children’s Act 1989
- Anti-social Behaviour Act 2003
- Equality Act 2010
- Anti-social Behaviour, Crime and Policing Act 2014

## SERVICE STANDARDS

### DEFINITION

GCH has adopted the following definition of Anti-social Behaviour as defined by the Anti-Social Behaviour, Crime and Policing Act 2014 defines ASB as:

- Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person
- 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

### GCH CLASSIFY ANTI-SOCIAL BEHAVIOUR INTO TWO CATEGORIES SERIOUS AND MINOR

Priority	Type of ASB	Service Standards
Managed by Community Safety & Enforcement Manager (CS&EM)	Racial Harassment Hate Crime  Domestic Abuse (please refer to Domestic Abuse policy) Sexual Harassment Actual Violence Threats of Violence Drug dealing  Using, owning or storing an offence weapons Intimidation Criminal Damage**  Abuse, threats or assault to our colleagues and contractors	First contact within 1 working day Action plan agreed within 1 working day.           **The Police will deal with criminal damage in the first instance, if it becomes a tenancy related incident the CS&EM will also deal with the complaint in accordance with this Policy.

# ANTI-SOCIAL BEHAVIOUR & HATE CRIME POLICY

Managed by the Neighbourhood Manager (NM) and/or Specialist Housing Managers (SHM)	Graffiti Begging Vandalism Boundary and Hedge Disputes Animal nuisance (dog barking, dog fouling) Fly Tipping Spitting, urinating in the communal area. Noise Nuisance* Drug use/possession. Verbal Abuse	First contact within 1 working day Action plan agreed within 5 working days.
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\*A lot of the noise nuisance that is reported is not classed as anti-social behaviour (see below). Reports of this nature will be dealt with under our Good Neighbourhood Management Policy and only when the threshold for ASB is met, will it then be dealt with under this policy. There will be instances where noise nuisance complaints will need to be investigated by the Environmental Protection Team at Gloucester City Council. If staff at GCH receive such reports, tenants will be signposted to the council who will take appropriate action against the perpetrator(s) if proven. They may also refer cases back to GCH for any further action or may request further information from you in order to investigate your report effectively.

## WHAT IS NOT CLASSED AS ANTI SOCIAL BEHAVIOUR

Anti-Social Behaviour can include a wide range of behaviour that can affect the lives of people experiencing it. However, we do not consider everything that is reported to us to be anti-social behaviour, for example noise because of reasonable lifestyle differences such as the examples below:

- People walking across their floor in shoes (in our flats)
- Children playing in their own home
- People using their washing machine
- Cooking smells
- Loud talking
- Disputes between children
- complaints which are not a breach of the terms of tenancy, for example, complaints of people staring or being inconsiderate or thoughtless

# ANTI-SOCIAL BEHAVIOUR & HATE CRIME POLICY

## HOW WE TACKLE ANTI SOCIAL BEHAVIOUR

We will investigate complaints of anti-social behaviour and hate crime and intervene as early as possible to avoid problems escalating. We will do this by:

1. Encouraging tenants to report incidents of anti-social behaviour to us and/or the appropriate statutory agency.
2. Providing and empowering complainants with the tools and guidance to resolve their own complaints, where possible.
3. Taking a victim centred approach, identifying those vulnerable individuals, communities and environments most at risk and working with other agencies to provide support and remedies.
4. Working with our multi-agency partners to prevent and tackle incidents of anti-social behaviour, harassment and hate crime, recognising that prevention is better than cure. Tenants will also be informed of which agency partners will be the lead in investigating reported incidents.
5. Aiming, where possible, to resolve complaints of ASB through non-legal means encouraging community resolutions and restorative approaches.
6. Trying to minimise the burden on complainants in collecting evidence, for example, through the short, focussed use of Incident Diary Sheets rather than their prolonged use with no clear outcomes
7. Taking appropriate and proportionate action against perpetrators of anti-social behaviour including the use of legal remedies where necessary.
8. Explore support needs and make appropriate referrals for any vulnerable perpetrator to modify and change behaviour.

### When you make a complaint of anti-social behaviour we will:

- Take a victim centred approach offering confidential support and advice.
- We will discuss all action to be taken with the complainant, explain the options available to us, including likely outcomes.
- Offer clear timescales and agree action plans and contact arrangements.
- We will review action plans on a regular basis and provide regular updates on progress with the complainant. The action plan will agree what is the responsibility of GCH and the complainant and any other parties. We will ask you to keep a record of incidents and report them on a regular basis where appropriate.

# ANTI-SOCIAL BEHAVIOUR & HATE CRIME POLICY

- GCH will close cases when the anti-social behaviour has been resolved or if the complainant fails to provide us information or make contact as agreed on the action plan.
- GCH recognise that on some occasions, despite our best efforts it may not be possible to resolve the anti-social behaviour.
- If we are satisfied we have taken every reasonable and proportionate step to resolve the anti-social behavior we will close the case, even if the complainant does not want us to. We will explain the reasons why we have closed the case and may provide alternative advice.
- We aim to resolve all cases of ASB and will close a case when action has been taken which has resolved the ASB. However, we may have no option but to close cases in the following circumstances:
  - When we have investigated the ASB case and have not been able to resolve the issue, but there are no more options available to GCH.
  - When we believe there is no ASB happening, and the case needs to be closed.
  - When another agency is dealing with the case and no longer needs involvement by GCH..
  - When the complainant fails to help in providing evidence to GCH, and we cannot take further action.
  - If we believe the ASB complaint to be vexatious. This is where a person is acting in a frustrating and irritating manner, with malicious intent and/or unreasonable expectations.

## Our Approach to Resolving Anti-Social Behaviour:

- We will investigate complaints made about one of our tenants, family members or visitors causing a nuisance within the vicinity of their GCH property.
- We will investigate anonymous complaints as far as we can; however, we will not be able to provide feedback to the complainant or gain further information. Therefore, this will limit the amount of action we are able to take.
- When we receive a complaint of anti-social behaviour our officers will consider any Safeguarding matters and will make appropriate referrals without consent or knowledge of any parties if we believe the appropriate thresholds have been met.

As a means to resolve anti-social behaviour we **will not** move either the perpetrator or the complainant (except where there are exceptional circumstances and the recommendations and assistance of statutory agencies will be required in considering such a move). We will work with all parties to resolve the nuisance behaviour. We work closely with Gloucester City Council on the allocation of properties as we recognise that some properties will need to be let sensitively.

# ANTI-SOCIAL BEHAVIOUR & HATE CRIME POLICY

## TOOLS FOR PREVENTION OF ASB AND TENANCY ENFORCEMENT

Prevention is an integral part of our approach to anti-social behaviour. We utilise a range of initiatives in appropriate cases which are designed to prevent anti-social behaviour from occurring using a mix of education, engagement, communication and support. The initiatives we use or can access in appropriate cases include:

- Ensuring that the clauses in our Tenancy Agreements prohibiting nuisance and anti-social behaviour are clearly explained to tenants at the sign up of their tenancy.
- Mediation services
- Restorative Approaches
- Diversionary activities in conjunction with our partners
- Use of Voluntary Agreements such as Good Neighbour & Acceptable Behaviour Contracts
- Designing out crime ('safer by design' principles for new build)
- Agreeing local lettings arrangements or sensitive lettings
- Tenancy support schemes
- Multi-agency partnerships
- Education and raising awareness

We will only consider using legal action if it is deemed necessary. This will depend on the severity of the ASB and how long it has been a problem.

The tools we will use include but are not limited to:

- Civil injunctions
- Possession action
- Demotion of tenancy

GCH may also work in partnership with Local Authorities and the Police (who have the authority under the ASB, Crime and Policing Act 2014) to seek Closure Notices/Orders and Community Protection Notices (CPN's).

We will balance the vulnerability of the perpetrator with the risks associated with their behaviour when considering formal enforcement.

Using the available tools to take accelerated possession action against Gloucester City Homes tenants on Starter Tenancies, Assured Short-hold Tenancies or Licence Agreements where there is cause to do so.

If the perpetrator is a Gloucester City Homes tenant and causes damage to any GCH property because of anti-social behaviour, they will be recharged for the damage. We may also consider legal action in addition to recharging.



# ANTI-SOCIAL BEHAVIOUR & HATE CRIME POLICY

## SUPPORT FOR COMPLAINANTS

GCH understands the importance of supporting tenants to maintain their tenancy, as part of this we will aim to identify and support vulnerable tenants where possible.

We will advise victims of the support services that we and other agencies such as the Police, Victim and Witness Support and mediation services can provide, and make referrals as required.

We will enable the provision of increased security, where this is considered necessary by applying, on the tenant's behalf, for a police Home Security Check or a Fire Safety check. We will take all reasonable steps to comply with any resulting recommendations. For occupants of our leasehold properties we will provide advice and support and, where agreed, will take reasonable steps to comply with any recommendations resulting from a Home Security Check.

We can and will coordinate multi-agency meetings and share information without the consent or knowledge of any involved party where we believe it is necessary and proportionate to do in line with the General Data Protection Regulation 2018 and the Crime and Disorder Act 1998.

## SUPPORT FOR WITNESSES

Where witnesses are required to provide evidence in Court, GCH will ensure that they feel supported throughout the process. We will explain what can be expected when attending Court and will arrange a pre-court visit when necessary.

We may direct witnesses towards supplementary support agencies such as Victim Support.

## SUPPORT FOR PERPETRATORS

We will consider whether the perpetrator may benefit from help and support from our Enhanced Support Coaches or other relevant support agencies and make such referrals as considered appropriate, taking vulnerability into account.

Early intervention and prevention will be the preferred option with legal action only being taken where necessary.

# ANTI-SOCIAL BEHAVIOUR & HATE CRIME POLICY

## COMMUNITY TRIGGER

The ASB Case Review, also referred to as the Community Trigger, was introduced under the Anti-social Behaviour, Crime and Policing Act 2014

If you feel that an anti-social behaviour (ASB) incident has not been dealt with effectively you can ask for a case review. The review is independently handled to ensure that your case has been handled fairly and reasonably.

We will direct you to further information on the ASB Case Review if requested.

## HATE CRIME AND INCIDENTS (INCLUDING RACIAL HARRASSMENT & HOMOPHOBIA)

Gloucester City Homes take all hate crime incidents in any form against any member of our community, including our staff and contractors and associated agents extremely seriously and will deal with all complaints in line with this policy.

There is a distinct difference between a hate incident and a hate crime.

### **A hate incident is defined as:**

'Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate.' -Home Office & Association of Chief Police Officers (ACPO) 2005.

### **A hate crime is defined as:**

'Any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or Hate crime.' – Home Office & ACPO 2005.

### **Gloucester City Homes identifies a racist incident as:**

"Any incident which is perceived as racist by the victim or any other person."  
(Rec. 12 of Stephen Lawrence enquiry McPherson report 1999)

It is a hate incident or crime if the **victim or anyone else** thinks it was motivated by hostility or prejudice based on one of the aspects below:

- Disability
- Gender Identity
- Race, Ethnicity or Nationality
- Religion, Faith or Belief
- Sexual Orientation

# ANTI-SOCIAL BEHAVIOUR & HATE CRIME POLICY

When a hate crime or incident is reported to us, we will sensitively investigate it thoroughly and will contact the complainant within 1 working day.

Where a hate crime or incident is reported to us we cannot always take enforcement action without evidence, nevertheless, all complainants and witnesses will be supported throughout the investigation and will be dealt with in a supportive, sensitive way. If you are feeling vulnerable in your home following a hate crime incident, we will offer you target hardening measures as described in Supporting Witnesses.

We can also make referrals to appropriate support agencies (with your consent) to provide you with additional support.

Where there is offensive graffiti on a property as a result of a hate crime or incident, we will remove it within one working day from being reported to us. We will also endeavour to respond to damage to a property within one working day where a hate crime or incident has occurred.

## CONSULTATION

GCH has taken account of learnings from complaints and will consult and review the Anti-social Behaviour and Hate Crime Policy with Tenant Panel and link in with other relevant agencies in order to continually develop good practice in this policy area. We will attend any forums existing now or in the future to encourage joined up working with Local Authorities or any other agency either voluntary or statutory.

## APPEALS

Any customer who is not satisfied with our approach, actions and decisions in the application of this policy will be dealt with under our complaints policy.

## REVIEW

This policy will normally be reviewed triennially to ensure that it remains fit for purpose, unless an earlier review is required due to regulatory, statutory or other requirements.