



# ANTI-SOCIAL BEHAVIOUR AND HATE CRIME POLICY

## 1. Introduction

Citizen will not tolerate antisocial behaviour (ASB) or Hate Crime in the neighbourhoods where we operate, and we will work in conjunction with our partners to put a stop to this behaviour.

We believe that everyone has the right to live the way they wish as long as they do not spoil the quality of life for others and/or impact on our housing management function.

This means being tolerant, accepting and respecting of the needs and choices of other people. This policy focuses on tackling ASB and Hate Crime that affects people living within our stock and the communities we serve. This includes tenants, licensees' leaseholders, visitors, owner-occupiers, lodgers or private tenants and members of their household, Citizen staff and contractors and those acting on our behalf.

ASB is behaviour by customers, members of their household or their visitors which causes annoyance, nuisance or disturbance to anyone else in the area. ASB may or may not amount to a criminal act; what is important is the effect of the behaviour on others.

Hate Crime is hostility and prejudice in our society. Being targeted either wholly or partly due to a personal characteristic can have a devastating impact upon the victim and, in some situations on community cohesion.

Customers must take responsibility for minor ASB related personal disputes with their neighbours and we will offer advice and information to enable this to happen effectively. Customers are responsible for the behaviour of every person (including children and their pets) living in or visiting their home.

This policy should be read in conjunction with customers individual tenancy, licence and lease agreements which clearly set out these responsibilities.

When dealing with ASB and Hate Crime, we will maintain a victim centred approach by putting them first, understanding any impact upon them and liaising with our partners.

We are committed to tackling ASB within our communities and we have signed up to the [Respect – ASB Charter for Housing](#). This voluntary sector-based approach sets out our commitment to deliver high quality ASB services that are focussed on outcomes for customers.

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## 2. **Scope**

### **The scope of this policy includes;**

- The principles of our service
- Defining ASB
- Examples of ASB
- What is not considered ASB
- Defining Hate Crime
- Working with victims of ASB and Hate Crime
- Customer responsibilities
- Prevention
- Taking action
- Working in partnership
- Roles, responsibility and authority
- Policy management requirements
- Implementation, monitoring and review
- Equality analysis

## **3 Policy detail**

### **3.1 Principles of our service**

- when addressing ASB and Hate Crime we will work in partnership with customers, the Police, Local Authorities and other agencies and treat the matter effectively, sympathetically and confidentially. We aim to work across boundaries to identify, assess and tackle ASB and its underlying causes. Best practice should be shared with other agencies within each community safety partnership.
- provide an accessible and accountable service and take reports seriously.

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- where we have deemed it to be ASB we will investigate all reports and make a decision as to where the responsibility for resolution lies which may include referring reporters to their Local Authority or other agencies. Our actions may be limited where the perpetrator is not a customer of Citizen or where there is insufficient evidence in respect of the incident being reported.
- Victims should be encouraged to report ASB, hate crime and hate incidents and work with our partners to keep them safe from further risk of harm.
- adopt a harm-based approach, to ensure that reports of ASB and Hate Crime receive attention in proportion to the risk of harm they present.
- ensure that proportionate and appropriate actions is taken against perpetrators.
- not tolerate any behaviour that threatens, intimidates or abuses our staff, contractors, partners and customers.

### **3.2 Defining ASB**

The 2014 Act defines ASB in three alternative ways:

- a. Conduct that has caused, or is likely to cause harassment, alarm or distress to any person
- b. Conduct capable of causing a nuisance or annoyance to a person in relation to that person's occupation of residential premises; or
- c. Conduct capable of causing housing-related nuisance or annoyance to any person.

### **3.3 Examples of ASB**

The following provides a list of the types of behaviour that we may consider to be antisocial. Please note that this list is not exhaustive;

- violence, or threatening violence, towards anyone
- harassment, intimidation and abuse
- damage to property
- selling, supplying, storing, growing and / or possessing illegal drugs (whether or not for personal use)
- noise, such as loud music, which can be heard outside your home and which may disturb other people It is important to say here that incidents of noise nuisance will be investigated by Environmental Health and it is them who will take any appropriate action
- making false complaints about anybody else in your home or on the estate or any of our customers, agents, employees, contractors or anyone acting on our behalf.

### **3.4 What is not considered ASB**

It is important that we are realistic when advising our customers of what we can and cannot do to assist them. There are day to day household activities that we will not consider as ASB.

Not all noise is anti social. Those noises that arise out of the ordinary and reasonable use of a property are not breaches of tenancy and cannot be subject to enforcement action. Examples include footfalls, light switches being switched on or off, general talking, toilet flushing, babies crying, children playing.

It is accepted that people will have different tolerances to sound/noise and in flat living, a degree of noise is to be expected. Not all reports will therefore merit action against the alleged perpetrator.

Issues around the parking of vehicles is not considered as ASB.

### **3.5 Defining Hate Crime**

A Hate Incident is any incident which the victim, or anyone else, thinks is based on someone's prejudice towards them because of their race, religion, sexual orientation, disability or because they are transgender.

Not all hate incidents will amount to criminal offences, but those that do become hate crimes.

A hate crime is any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice towards someone based on a personal characteristic.

There are five centrally monitored strands of hate crime;

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

This does not mean that crimes motivated by hostility or hatred of other characteristics cannot happen.

Hate Crimes are distinct from ASB in that they are perceived to be motivated by prejudice or hatred against people with an identifiable characteristic.

This can be committed against a person or property, it can include:

- verbal abuse and harassment

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- threats and intimidation
- physical assault and violence, including sexual violence
- property damage
- graffiti
- offensive mail
- social media

A victim does not have to be a member of the group at which the hostility is targeted. In fact, anyone could be a victim of a Hate Crime.

We will work in partnership with others to create a working environment that promotes this view and help those involved in, or experiencing, Hate Crime or Hate Incident.

#### 4. **Working with victims of ASB and Hate Crime**

We will adopt a victim centred, problem solving approach to tackling ASB and Hate Crime. We will do this by;

- Tailoring our approach to victims.
- Aiming to strive to challenge and change behaviour however, there may be occasions where we will take action before the offer of any support, for example in a situation where we seek to obtain an injunction to prevent further harm.
- Making contact with the reporter promptly.
- Agreeing a clear and transparent action plan with the reporter, advising what we can do and what the reporter can do to resolve things. Keeping all parties informed of any progress but also expecting our reporters to keep in contact with us until the case is resolved
- Ensuring that information is treated confidentially.
- Ensuring that individuals attending court are supported and liaising with the courts where necessary to minimise any distress and any associated risks.

#### 5. **Resident responsibilities**

We expect customers to show consideration to their neighbours and their community and not to commit or allow their family or visitors to commit acts of ASB.

In addition to the responsibilities set out in their tenancy or licence agreement or lease, we will expect customers to:

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- report all incidents of ASB, harassment, domestic abuse and hate crime.
- report noise nuisance to the appropriate statutory body i.e. environmental health.
- respond to any requests for information and to carry out any actions requested, in order to support any investigation for example by providing diary sheets, witness statements or attending mediation or court.
- report all crimes to the Police.
- take responsibility for minor personal disputes with their neighbours and try to resolve any such problems themselves in a reasonable manner. We will not take action where we consider that this approach should be adopted.
- respect other peoples' right to their chosen lifestyle and a reasonable level of disturbance.

## 6. Prevention

We are committed to preventing incidents of ASB and Hate Crime occurring in the first instance and will use a range of preventative actions to achieve this. For example;

- our Lettings Policy aims to contribute to preventing ASB and nuisance and promoting neighbourhood sustainability.
- We will publicise successful actions if it is in the interests of the wider community; our aim is to deter further instances of ASB and Hate Crime.
- Where we develop new housing we will integrate crime and ASB prevention principles in the design process.

## 7. Taking action

Our tenancy, leases and licence agreements aim to set out what we mean by ASB and Hate Crime, the standards of behaviour we expect of all customers and the actions that we may consider taking to those who behave in an anti-social manner. We will reinforce these key messages at sign up and set them out in publicity that is available to all our customers on our website.

A customer will be advised on self resolution options. We believe that it is important to encourage people to find their own solutions in the first instance and it may not be our responsibility to resolve an issue.



If self-resolution help does not work or is inappropriate and the behaviour complained of is likely to be a breach of tenancy, licence or lease conditions we will look to intervene early to resolve the issue. This may include mediation, restorative justice, warning letters, acceptable behaviour contracts, parenting contracts.

Where issues cannot be resolved through self-resolution or other non-legal actions, or is unreasonable for these approaches to be considered, for example because of the seriousness, urgency, risk of harm or criminality involved we will consider and if appropriate use more formal legal actions. We will use all legal tools that are available to use for example, proceedings to end the tenancy or licence including Mandatory Grounds for possession and Civil injunctions which may be obtained without notice to the perpetrator where necessary and proportionate.

On some occasions other agencies may have the best tool to address the problem and we will therefore work with our partners to support their action for example, community protection notices, closure orders noise abatement notices by the environmental health team, criminal behaviour orders by the police. The action we take will be decided on the circumstances of each case in turn and will be proportionate to the behaviour exhibited.

In some circumstances and if the situation is appropriate we may be unable to progress an ASB case if a complainant refuses early intervention actions or does not work with partnership agencies. Whatever, the reason for closing the case this will always be recorded fully and explained.

## **8. Working in partnership**

We believe that tackling ASB and Hate Crime and its causes can be complex and requires strong local partnership arrangements and engagement with statutory services. We will work in partnership so that we can identify and use resources effectively to respond appropriately to the diverse problems each community experiences.

Generally, we would wish to obtain agreement with customers about the particular actions to be followed. There may be occasions where the complainant would wish that we do not take specific action on their report. The situation may however be serious enough that we feel we have little option but to pursue against their wishes. In such circumstances we will take appropriate measures to protect all those affected.

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We reserve the right to make a referral to Social Care or the police, including a safeguarding referral, without the permission of the customer where the situation and provision of the Data Protection Act and other legislation justifies it.

## 9. Roles, responsibility and authority

It is the responsibility of the Board to seek assurance that this Policy is successfully implemented. The Senior Leadership Team and Heads of Service are responsible for ensuring the effective implementation of this Policy and that all staff understand the importance of this Policy, the related procedures and that they comply with them.

Managers are responsible for ensuring that their team have undertaken the appropriate Policy eLearning and training,

Any changes to this Policy must be made in line with the requirements set out in Citizens Standing Orders and our Policy framework.

## 10. Policy management system requirements

We will provide relevant training, capacity building and support across all levels of the organisation (including staff, board and Partners) that supports the delivery of targeted action and service improvement for ASB and Hate Crime. The level of training they receive will be considered in proportion to the role within the organisation, clients they work with and risk they are potentially dealing with.

## 11. Implementation, monitoring and review

We will ensure that all reports of ASB and Hate Crime are consistently recorded, in order to be able to monitor ASB and Hate Crime incidents, response and outcomes year on year.

This policy will be reviewed at a minimum every three years, or earlier due to:

- significant changes to legislation or regulation;
- deficiencies or failures in this policy, as a result of complaints or findings from any independent organisation.

### 11. Equality analysis

This policy has been subject to an Equality Analysis. Staff working across Citizen have considered the impact of this policy on different groups and communities that we work with. In framing this policy, our staff are committed to not discriminate adversely against any group and will respect the diversity of the communities we are working within.

The EIA and any actions identified as needing to be implemented are in the Appendix.

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## VERSION CONTROL

VERSION	DATE	AMENDMENTS	APPROVED AT/BY	REVIEW
V 1.0	Sept 2019	Policy updated to reflect Citizen and reviewed for compliance	Board 30 <sup>th</sup> Sept 2019	Sept 2022
V2.0	Sept 2022	3 year review	Director of Housing, Care and Support & ELT	Sept 2025
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