

Anti-Social Behaviour & Hate Crime Policy

Policy ref: Anti-Social Behaviour & Hate Crime Policy

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1 Purpose and anticipated outcomes

This policy sets out LiveWest's approach to supporting our customers in preventing and tackling Anti-Social Behaviour (ASB), Harassment and Hate crime. Unless we say otherwise, we use the term ASB to incorporate harassment and hate crime.

We recognise that ASB can have a significant impact on the lives of our residents, does not always just affect those who are directly involved in the situation and can have a disruptive effect on communities. We take ASB seriously and are committed to taking proportionate action, using the powers available to us as a landlord where we consider that they will resolve an issue. However, we believe that this responsibility is shared by our residents and other agencies and in many cases it may not be appropriate for LiveWest to intervene or take the lead. We know that this may be challenging however, we believe that it is important that complainants and victims of ASB are clear about both the circumstances in which we can intervene and the sanctions available to us. We will not raise expectations that we can take action where we cannot do so or where primary responsibility and powers lie elsewhere.

We are fully committed to supporting our residents to resolve their ASB issues. Where we receive ASB reports, we will provide advice and support to ensure that complainants understand that often the quickest and most effective resolution is for neighbours to resolve disputes locally themselves. We will intervene only where it is appropriate for us to do so, given our responsibilities as a landlord and in consideration of the harm or likely harm caused to individuals.

Where a complainant is identified as vulnerable, the appropriate support will be given and where necessary a Safeguarding referral will also be made.

We will work closely with partner community safety organisations to encourage them to take the lead in tackling crime and serious ASB in our communities and to ensure a collaborative approach. In doing so, we will tailor our response to help avoid negative stereotypes towards social housing customers. Working alongside our residents and partners to resolve ASB will help us build strong and safe communities, creating place where our customers want to live.

The policy supports our values:

- Customer Focussed – We work with our customers to find solutions and do what we say we will do
- Challenge Convention – We are resilient and aren't afraid of change
- Together we deliver – We work together to improve outcomes

Our policy will help us achieve the following outcomes:

- Customers who feel safe
- Customers who trust us
- Customers who understand their responsibilities and those we have as their landlord
- Customers who are able to sustain their tenancies
- Strong relationships with our partners

2 Scope and definitions

This policy applies to all general needs, affordable rent, sheltered and supported housing tenants living in a home owned, part owned or managed by LiveWest. It also applies to our licensees, leaseholders, shared ownership, market rent and commercial premises albeit our intervention will be proportionate and may vary depending on the type of tenure and seriousness of any breach.

Our Tenancy and Licence Agreements have clauses regarding anti-social behaviour and clearly set out what is expected of our customers and where we will help our customers obtain the right skills they need to successfully manage a tenancy. We do expect our tenants, shared owners and leaseholders to comply with their terms and conditions and to:

- ensure that they, their family and visitors to their home, act in a considerate and reasonable way to others living in their community

Where other providers manage homes and neighbourhoods on our behalf, we expect them to follow their own policies which should meet the expectations and intent of this policy.

2.1 Definitions

The Anti-social Behaviour, Crime and Policing Act 2014, defines anti-social behaviour 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, that is, directly or indirectly relating to our housing management function
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We will investigate and if appropriate, take action where the anti-social behaviour is persistent, ongoing and preventable or is a single serious incident that comes within the above definitions.

2.2 Hate Crime and incidents

We define a report as a hate incident if the victim or anyone else believes that it was motivated by hostility or prejudice based on one of the following things:

- Race, skin colour, ethnic origin, nationality
- Religion or faith (or lack of religious belief)
- Gender identity (including resentment of transgender people, transsexuals and transvestites)
- Sexual orientation (including homophobia)
- Disability (including physical disabilities, sensory impairments, learning disabilities and mental health issues)

Incidents reported may also be hate crimes. Hate Crime is a criminal offence and we will support our customers to report this to the police and we will then work closely with them to reduce the risk of harm.

We will take a proportionate response to any hate crimes or incidents reported to us, recognising the seriousness of the report and the risk of harm. We will work with specialist agencies such as S.A.R.I. (Stand Against Racism and Inequality) to both support our customers and act as our critical friend.

3 Summary of Policy

In responding to reports of ASB and hate incidents/crime, we will take a proportionate response to incidents reported to us and will consider the following:

- personal circumstances of customers involved
- any history of incidents previously reported to us
- interventions that we have already undertaken or that are suitable
- information and evidence available to us
- relevant actions or interventions being undertaken or considered by other agencies

In line with the terms of their tenancy and lease agreements, all our customers are responsible for the actions and behaviours of their household and visitors. Where actions and behaviours cause conflict but are the result of lifestyle differences, we expect residents to show a degree of tolerance.

Better outcomes are achieved where residents take responsibility for resolving minor personal disputes and we expect residents to raise their concerns directly with their neighbour; we will offer advice and coaching on how to approach their neighbour in a “neighbourly way”. We may also offer a mediation service as a tool for neighbours to come to agreement.

As a landlord we acknowledge that there are some occasions when this won't be appropriate due to circumstances of either or both parties, for example vulnerabilities. In these cases, we will investigate and take any appropriate action, for example we may offer to be present during the conversation to support the neighbour or work in partnership with other agencies providing support.

When the ASB relates to suspected criminal activity we will expect customers to report this to the police so that they can take appropriate steps to investigate.

Except in very serious cases, our initial intervention will aim to work with those responsible for ASB and stop the problem behaviour, prevent re-occurrence and achieve effective and long-lasting solutions. We may not be able to assist our customers in resolving all ASB and where we can't, we will primarily focus on reducing the risk of harm by working with other agencies.

Where we have a high concentration of ASB incidents in a geographical area we will form a project group. We will work creatively with our community investment teams and other agencies to pool resources, targeting those areas with the greatest need.

- **Reporting**

We will offer a wide range of options to report ASB including through face-to-face contact, our website, telephone and emails.

When our customers report incidents to us, we expect them to do so as they occur as we are unlikely to be able to consider any action if the report relates to historic events. We also expect complainants to assist us to review cases and to provide evidence such as witness statements where requested.

We will provide support and assistance to our customers to help them resolve ASB in their neighbourhood. We will signpost our customers and support them through coaching.

- **Case management**

Where ASB is reported to us our response to allegations will be robust and proportionate. We will aim to resolve the majority of incidents through early intervention by using a range of tools such as coaching, warnings, acceptable behaviour/parenting contracts, referrals to other statutory and voluntary agencies, community resolution and mediation services.

We will conduct a Case Review when something significant has happened so that we reduce the risk of harm to our customers. This case review would normally be an internal review but, where necessary, could also involve third parties and occasionally a full multi-agency review depending on the seriousness of the case.

We will, where appropriate, seek the co-operation of statutory agencies: police, social services and local authority, in carrying out their duties to protect the public and will commit to working in partnership with residents and other agencies.

- **Escalation**

We will aim to minimise homelessness and seek to challenge and change behaviours using tenancy sustainment and the tools available to us as a landlord. We will only consider eviction as a last resort. This might be where the anti-social behaviour is of a very serious nature, where other action has been unsuccessful, or a customer has been unable to sustain a fixed term or starter period of their tenancy.

Where the behaviour is of a criminal nature, it is likely that the police will be the lead agency in the investigation. In these cases, we will support and work with them and our actions may be guided by their findings and outcomes. Where someone living in or visiting one of our homes is convicted of a serious offence, we will review the case and focus on the risk to the community when considering what action is appropriate to take.

If there is insufficient evidence either from LiveWest's investigations or from other agencies, to convince a court on the balance of probabilities that enforcement action is reasonable, we will not commence or pursue it, even if this is at odds with the reporter's wishes.

3.1 What we consider to be ASB

Appendix A provides information on the type of issue reported to us. All these issues could be perceived as ASB by the customer but some of these we consider as minor incidents which would not be ASB and we define as a tenancy management issue or lifestyle difference – these will be dealt with differently. When we receive a report, we will be clear whether we will treat this as ASB, a tenancy management issue or if it is because of a lifestyle difference.

Where we believe this to be a tenancy management issue, we will work to manage customer expectations and offer advice and guidance, which could include reminding our customers of their responsibilities within their tenancy agreement, lease or license.

Where lifestyle differences are reported to us, we will be clear with our customers and will offer appropriate signposting at the first point of contact.

Where neighbour disputes or wider issues across a neighbourhood are reported, we may consider alternative approaches to resolution such as referring customers to mediation services or offering a coaching service to embed confidence in how to approach neighbourhood issues.

In cases where persistent disagreements between two or more sets of neighbours or their household members are adversely impacting on the wider neighbourhood, we may work with other agencies or independently to take action against all relevant parties concerned.

3.2 Prevention, Deterrence and Support

We believe prevention and deterrence is preferable to intervention. To prevent ASB and hate incidents from occurring and escalating, we will use various tools including pre tenancy risk and support assessments, local lettings plans, starter tenancies and mediation.

Where we house high risk customers, we will work closely with the customer and other agencies to complete a risk assessment including the support needed for the customer to successfully sustain their tenancy.

We will also aim to support neighbourhoods and communities impacted by ASB and hate incidents/crimes through targeted community development measures.

We will work closely with partners to support witnesses in both reporting incidents and giving evidence in court, which may include the use of professional witnesses where there is a serious risk to person or property through giving evidence in any proceedings. We can offer support through our tenancy sustainment service or provide details of other agencies that offer support such as Victim Support.

We will also work with partners to support those who cause ASB to understand the impact of their behaviour and to modify it in an attempt to prevent escalation and sustain tenancies.

We recognise communication is central to supporting people experiencing ASB and commit to providing regular updates on case progress. We will also discuss and inform those impacted by ASB of any intention to close our investigations and will measure how satisfied customers are during the period when the case is open and following closure of the case.

3.3 Domestic Abuse

We have signed up to the Chartered Institute of Housing (CIH) “take a stand” campaign to support people experiencing Domestic Abuse. As part of this campaign we have a separate policy which sets out how we will work closely with internal support teams and external agencies including the police and social services to help individuals.

Our separate Domestic Abuse Policy and Procedure provides support to our customers who report an incident to us and where they are at risk.

3.4 Hate Crime

We will not tolerate hate crime, will treat incidents seriously and investigate them in a fair and sensitive way. All incidents of hate crime should also be reported to the police directly or indirectly through a third party such as Stand Against Racism and Inequality (SARI).

We will contact the victim reporting hate crime within 24 hours to discuss the incident. We recognise that not every reported case of hate crime will be the same and we will respond to each case considering individual circumstances and the needs of the victim.

The police will assess if a hate crime has been committed and LiveWest will work with the police to take appropriate action against the perpetrator. If, after police investigation, it is clear that the

incident is not motivated by prejudice or hate, we will continue to deal with any incident in line with this anti-social behaviour policy.

3.5 Partnership Working

There are a wide range of tools and powers available and we will work with other organisations to maximise the use of these tools to find the best way to resolve issues.

Wherever feasible, we will proactively adopt and support multi-agency approaches and work with the police, local councils and voluntary agencies to share resources, expertise and deliver better outcomes for our customers.

In cases where a criminal act has allegedly occurred, we will work closely with the police to avoid duplicitous actions and to decide on whether action should be taken prior to the criminal case. Where we become aware that a customer has a criminal conviction that affects our housing management function, we will hold a case review and will take decisive action where the behaviour represents a risk to our communities, staff or reputation.

3.6 Categorising & Responding to Reports

In order to target resources effectively, we will adopt a harm centred approach to ASB and prioritise cases when reported to us. Through case management, we will look to manage cases using a traffic light approach as detailed in Appendix A:

Priority	Examples	Response
Red Priority 1 High risk of harm	Serious assault, threats of violence, hate crime, arson and cuckooing	We will aim to respond within 24 hours of receipt by way of advice and such action as is appropriate to lower the risk of harm in the case
Amber Priority 2 Standard risk of harm	Vandalism, damage to property and noise nuisance.	These cases will receive a response within 24 hours and investigation will begin within 5 days

Each case will be considered individually taking into account the details of each situation. The case may be categorised initially and this may then change following further investigation and a review of the case.

We recognise that we are unable to work in isolation and there will be an expectation that our customers will work with other agencies such as environmental health, the police and the community safety teams to maximise the tools available. We may be unable to progress some cases, such as noise, where a customer does not want to disclose their identity and we will be clear about this when the report is made to us.

Where a Priority 1 (red status) or Priority 2 (amber status) case has been managed to a level where the risk of harm has been reduced and interventions have stopped, the case will be monitored for a short period of time (green status) and then closed. Where a risk of harm remains or there is a safety risk, then the case will remain open and managed in the appropriate way.

3.7 Legal Action

We will consider pursuing legal action where necessary, with our priority being to remove imminent risk of harm.

Formal legal action may be considered where there is sufficient evidence to substantiate the ASB and:

- there is a risk to an individual or the community
- serious and/or criminal behaviour has occurred
- previous interventions have failed and the ASB continues

In taking legal action, we will consider the most proportionate intervention to stop the behaviour. Eviction will remain a last resort when other interventions have failed, or when the behaviour is so serious that this is the only proportionate action to take. In cases where there is an imminent and pressing risk to individuals or the wider community, we may choose to take legal action without first considering other interventions.

Decisions to pursue legal action will always be determined by the risk of harm the behaviour has on communities, evidence available, proportionality, reasonableness and the likelihood of a successful outcome from it.

We will be clear to customers if we feel another agency would be better placed to investigate their issue or we feel that we are unable to take action without the involvement of another agency such as the police or local authority.

The range of legal actions and options available to LiveWest as a landlord are limited and will be dependent on the evidence available. We will work in partnership with other agencies to ensure the best outcome to resolve issues are achieved. This could include action by external agencies using tools available under the ASB Crime and Policing Act 2014 such as Community Protection Notices or Criminal Behaviour Orders and any new legislation introduced to tackle ASB.

We support mediation/coaching as a method to rebuild relationships. We may ask that mediation or restorative justice is undertaken prior to us considering legal action.

Where there is no corroborating evidence to allegations, we may not be in a position to take further action. If the allegations are malicious or false, we may take action against those who have used our processes in a malicious or false manner to cause harassment, alarm, or distress to others.

3.8 Protection of Employees

LiveWest acknowledges that all of our employees, agents or contractors are entitled to work in a safe and secure environment free from fear of aggressive, threatening or violent behaviour. Any behaviour of this nature aimed at our staff, agents or contractors is unacceptable and appropriate action will be taken against those responsible.

3.9 Confidentiality, Data Protection and Information Sharing

All information provided by those who report ASB will be treated in the strictest confidence and in accordance with their wishes; however, in some cases, for example where safeguarding concerns exist, we will share information with other agencies in line with the General Data Protection Regulations (GDPR) 2018. We may not be able to progress some cases if the reporter is unwilling to disclose their identity and we will make this clear when the report is made to us.

Protocols will be in place with partners to share information in accordance with the Crime and Disorder Act 1998 and Schedule 2 of the General Data Protection Regulations (GDPR) 2018.

3.10 Training

We are committed to ensuring staff have the confidence and knowledge to identify, respond to, investigate and resolve reports of ASB and Hate Incidents/Crime. Our frontline teams will be trained to manage complainant expectations, providing advice on the circumstances under which, as a landlord, it is our role to intervene and communicating our expectation that residents resolve local disputes between themselves in a “neighbourly” way. Our housing teams will be trained to manage and resolve cases consistently and effectively and our specialist Enforcement Managers will have the skills and knowledge to progress cases through court. We will achieve this using a mix of internal skills, enforcement team resource and external specialist training.

3.11 Complaints

We are committed to resolving ASB and Hate Incidents/Crime; however we understand we may not have sufficient evidence or feel it is appropriate to take further action.

If a customer is dissatisfied about how a case is progressing or the outcome of a case, they can request an independent officer review or use our complaints process.

Where appropriate, we will request an independent review by a legal expert.

4 Monitoring and review

This policy will be made widely available to customers and stakeholders via an appropriate range of online and printed communication platforms.

Operational procedures and guidance issued under this policy will guide how LiveWest staff categorise, investigate and resolve reports of ASB and Hate Crime.

We will review customer feedback, look for trends and hotspots and identify areas for service improvement on a continuous basis in order to improve the quality of our service and safety of our neighbourhoods.

This policy will be reviewed every three years or earlier in line with any legislative, regulatory or good practice changes.

5 Legal and regulatory considerations

This policy has been drafted to comply with the principles of the Human Rights Act. Proportionality has been identified as the key to Human Rights compliance, this means striking a fair balance between the rights of the individual and those of the rest of the community. There must be a reasonable relationship between the aim to be achieved and the means used.

The following legislation has also been considered in developing this policy:

- Anti-Social Behaviour Act 2003 – Social Landlords powers to obtain injunctions
- Anti-social Behaviour, Crime and Policing Act 2014 - new mandatory grounds for possession proceedings
- Crime and Disorder Act 1998 – introduced civil remedy called the Anti-social behaviour order
- General Data Protection Regulation 2018 – security and privacy of personal information
- Equality Act 2010 - protects people against discrimination, harassment or victimisation
- Localism Act 2011 – changes to tenancy law
- Housing Act 1988, as amended – Schedule 2 provides the grounds available for possession proceedings

Our approach to supporting our customers in preventing and tackling ASB will also meet regulatory requirements as set out by the Regulator of Social Housing by ensuring that:

- customers are aware of their rights and responsibilities
- there is strong leadership, accountability and commitment on preventing and tackling ASB
- preventative measures are tailored to customer needs
- early intervention is used to prevent escalation including full use of landlord and other agency powers
- all customers can easily report ASB, are kept informed about progress with cases, are appropriately signposted and
- provision is made to support victims and witnesses

6 **Linked/associated policies and other references**

- Appendix A – Managing Anti-Social Behaviour & Tenancy Management
- ASB Procedure
- Domestic Abuse Policy and Procedure
- Health and Safety Policy and Procedure

Appendix A

Managing Anti-Social Behaviour & Tenancy Management			
	ASB	Tenancy Management	Lifestyle Difference
Verbal Abuse	√		
Domestic Abuse	√**		
Hate Crime	√**		
Vandalism	√**		
Graffiti	√		
Damage to own property		√	
Boundary disputes		√	
Noise from normal living			√
DIY			√
Fly tipping		√	
Cuckooing	√**		
Cyber crime	√*		
Litter		√	
Noisy appliances			√
Violent Crime	√**		
Mate Crime	√**		
Intimidation	√		
Harassment	√		
Persistent noise/loud music	√		
Parties/barbeques			√
Drug dealing	√**		
Drug use	√*		
Children playing			√
Cooking smells			√
Inconsiderate parking			√
Parking disputes			√
Unroadworthy vehicles		√	
Fireworks/Bonfires		√***	
Prostitution	√*		
Pet nuisance		√	
Animal cruelty		√***	
Untidy gardens		√	
Neighbour disagreements			√
Smoking			√
Bins and recycling			√
Dangerous driving	√**		
Lifestyle clashes			√
Infestations/environmental		√***	
Each case will be considered individually and the above categories may change as a result of this			

Key:

	Priority 1 case
	Priority 2 case
*	Where it impacts on our wider community
**	This should also be reported to the police
***	This should also be reported to other agencies such as Environmental Health or the RSPCA