



# Anti-Social Behaviour and Hate Crime Policy

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## **Introduction**

Empower Housing Association (EHA) is dedicated to ensuring that we provide our tenants with a safe and secure environment in which they can live, and we will do all that we can to prevent any form of anti-social behaviour (ASB), harassment or hate crime.

We are committed to providing an excellent service to stop ASB and help maintain respect for tenants and others within their home and neighbourhood.

We will work in partnership with all persons/parties/organisations involved to deliver these commitments and our organisational objectives as well as meeting the requirements of the Regulator of Social Housing (RSH)

This policy supports our goal to have a positive impact on people and communities.

The purpose of this policy is to protect our tenants and people living or working in our neighbourhoods by reducing ASB and crime.

EHA specialises in providing housing for adults with disabilities enabling them to live within their community independently. Supported Housing is provided to people who have been assessed as needing care and support in addition to housing. When dealing with ASB, we will consider the support needs of our tenants taking into account disabilities and capacity which may impact on their behaviour.

## **Scope of the Policy**

The Policy is to provide clear guidance for EHA's Housing Team and tenants on the way in which we expect ASB issues to be dealt with.

To ensure consistency of policy and procedure implementation

To reinforce an approach which is systematic but flexible

To make sure all possible advice, assistance and sensitive consideration is given to the specific circumstances causing ASB issues for our tenants

To ensure tenants are receiving appropriate support and advice in relation to ASB issues

## **The Policy**

This policy sets out in general terms the approach of EHA to tackling ASB and Hate crime and working with tenants who experience such issues.

The policy is available on our website and will be sent to tenants on request.

We recognise that preventing and tackling ASB effectively will have a positive impact in our neighbourhoods. Our key objectives are to:

- Enable our tenants to live happily in their homes without unreasonable disturbance from others by preventing incidents and re-occurrence of ASB in the properties where we are Landlord.
- Ensure that we respond to reports of ASB as quickly and effectively as possible using a variety of approaches.
- Take a tenant-centred approach and ensure that appropriate support and timely updates are provided to complainants and witnesses at every stage of the case.
- Work with vulnerable tenants, both complainants and perpetrators, and partner agencies to provide a holistic and appropriate response to deal with ASB.
- Assist tenants to change their behaviour and sustain their tenancies, and ensure they have access to the relevant support through early intervention. We will take reasonable and proportionate enforcement action against tenants responsible for ASB.
- Take positive action, using all the tools available to deal with ASB to ensure that tenants enjoy their right to the quiet enjoyment of their home.
- Not tolerate any behaviour that is designed to threaten, intimidate, or abuse our tenants, colleagues, partners or contractors.

### **What is Anti-Social Behaviour?**

We adopt the definitions of anti-social behaviour as outlined in the Anti-social Behaviour, Crime and Policing Act 2014. This 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.

### **Examples of ASB**

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

#### Personal

- Violence against people and/or property

- Aggressive or threatening behaviour or language
- Any form of hate behaviour that targets members of identified groups because of their perceived differences.
- Domestic violence or abuse
- Intimidation and/or harassment
- Making false or malicious complaints about another person

### Neighbourhood

- Alcohol and/or drug related ASB
- Using a property for illegal or unlawful purposes for example the production, storage/selling of illegal substances or the storage of stolen goods
- Noise nuisance such as shouting, banging and slamming doors, and loud music.
- Litter, graffiti or dumping rubbish and fly tipping.
- Nuisance from vehicles including abandoned vehicles.

### **What EHA will not class as Anti-Social Behaviour?**

There are some complaints that we do not consider to be ASB and which we will not investigate. These are set out in our Anti- Social Procedure. Examples of these are:

- Everyday household noise such as washing machine noise, doors closing, low level TV or radio noise.
- Neighbours smoking in their own self-contained home.
- One off DIY noise from power tools that takes place at reasonable daytime hours.
- Parking on a road or in an available parking space where the car is taxed and insured, the parking bay is not designated to a resident and the car is parked in accordance with the law.
- Complaints where allegation of a crime is being made. We will not lead an investigation about an alleged crime as that is the role of the Police. EHA will assist the Police in an investigation of a crime when appropriate.

### **Tenant Responsibility**

We expect tenants to show consideration towards their neighbours, the local community and our colleagues and abstain from behaviour which is likely to cause a nuisance or distress. Tenants are encouraged to report all incidents of ASB and Hate Crime and in cases of criminal activity to report issues to the Police.

We expect tenants to work with us to resolve issues by cooperating with officers investigating cases and by submitting information requested such as, diary record sheets and engaging in Mediation.

We expect tenants to be tolerant and respectful to neighbours and others living in the proximity or working in the community. We expect tenants to understand that they may hear some noise from neighbours which is general household or domestic noise and that this is not ASB.

### **Our Approach to Tackling ASB**

We are committed to prevent incidents of ASB occurring in the first instance, as set out in our Tenancy Agreements, and we will use a range of preventative actions to achieve this. Where incidents have occurred, we recognise that early intervention is the key to avoid further escalation. If necessary and appropriate, we will take legal action to resolve the situation.

### **Prevention and Early Intervention**

- Our Tenancy Agreements contain clauses which allows us to deal with unacceptable behaviour.
- We will ensure tenants are aware of their families' and visitors' obligations concerning ASB by clearly setting standards of behaviour within the tenancy agreement and ensuring they are brought to the tenants' attention.
- We will use a range of tools to resolve ASB issues including discussions with the tenant/their support team/family and issuing formal warnings.
- We will adopt a multi-agency approach when dealing with cases and will work with partner agencies such as the Police, Social Services and Support Providers
- We will work with partner agencies to ensure appropriate packages of support are available to help tenants address their behaviour, and to support those affected by unacceptable behaviour.
- Where specific vulnerabilities are identified in a case, we will endeavour to provide a tailored approach to those suffering from, and those perpetrating ASB.
- Where our tenants make a complaint against a neighbour who is not a tenant of EHA, we will support our tenant in resolving their complaint. This may include contacting the perpetrators landlord, liaising with the Police, or signposting to other support services.

- We reserve the right to refuse accommodation to applicants who have committed ASB at a previous address or who have criminal convictions where the nature and circumstances of the crime are such that we consider that they may not be able to properly conduct a tenancy, or they are a potential risk to the residential community or colleagues.

## **Enforcement & Legal Action**

We recognise that there will inevitably be cases where warnings, mediation and working with other agencies will not be successful, and that in such circumstances where sufficient evidence is available enforcement action will be pursued.

A range of tools are available to EHA to take action against tenants, these include:

- Undertakings
- Injunctions
- Possession proceedings

We will work with partner agencies to consider other potential solutions, these include:

- Noise Abatement Orders
- Criminal Behaviour Orders (CBOs)
- Community protection warnings and notices

## **Reporting Anti-Social Behaviour**

We are eager to offer support and reassurance to all reports and witnesses of ASB. We will agree clear actions with tenants how we are going to tackle the case.

We encourage our tenants, people visiting and working within our neighbourhoods to report ASB to EHA. We will encourage our tenants to engage with support services to assist them in reporting issues. These services may include:

- Translation services
- Mental health support services
- Older persons support services
- Victim support

We provide a variety of methods to report incidents of ASB including:

- In person – at our head office or whilst EHA are attending your home
- Telephone – 24/7
- Email
- Website – via the online contact form
- Letter
- Through another agency

We will complete a risk assessment of ASB reports during the initial investigation, assessing any vulnerabilities and safeguarding issues. Safeguarding issues identified will be dealt with as per the Safeguarding Policy.

Each report of ASB will be investigated. A plan of action will be agreed with every reporter and any witnesses. There may be cases where it is not appropriate for us to act. For example, anonymous reports, or where the reporter does not want to engage with the process.

EHA will keep reporters and witnesses informed at all stages of the investigation and ensure that we work with other relevant agencies, For example Victim Support and Advocacy Services, for support before and after any court legal action.

### **What is hate crime?**

Hate crime is a criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on race, religion, disability, sexual orientation or transgender identity.

### **Our Approach to deal with Hate Incidents and Hate Crime**

We take a zero-tolerance approach to all forms of hate crime and will handle the investigation of incidents robustly. We will work in partnership with other agencies on all incidents of hate crime.

Dealing with hate incidents and hate crime is part of our commitment to promote equality and diversity and to tackle ASB. Hate incidents and hate crime stems from prejudice against others based on views about people's differences. They are contrary to our principles of diversity where differences are respected and valued.

We will investigate all hate incidents and hate crimes. 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.

As part of our multi-agency approach in dealing with hate crime and ASB we will, where appropriate and with the victim's consent, report hate incidents and hate crime to the Police.

### **Dealing with Vulnerable Subjects and Reporters**

EHA recognises our tenants, whether they are the complainant or perpetrator, have complex needs and will require additional support. EHA will therefore try and ensure the tenant has access to support to help address any unacceptable behaviour and sustain their tenancy. This may include liaising with relevant professional organisations or support being provided in-house. We will work closely with partner agencies to ensure that support is available.

On occasion, and where appropriate, we may seek advice from independent professionals including medical, mental health, fire safety and legal practitioners.

### **Protection of colleagues**

We will not tolerate threats or acts of violence or abuse towards colleagues, agents, or contractors. Action will be taken in line with this policy against anyone who directs behaviour of this nature towards colleagues, agents, or contractors.

### **Partnership Working**

We recognise that dealing with ASB and Hate is not the sole responsibility of any single agency. We will work closely across Local Authorities with all relevant agencies and will share information with appropriate partners.

As a registered provider we have a duty to share information with relevant agencies as set out by the Crime and Disorder Act 1998. This will be done in accordance with the General Data Protection Regulations 2018.

### **Community Trigger**

We will comply with the ASB Act 2014 which, through the 'community trigger', gives victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem solving approach to find a solution to ASB concerns.

### **Responsibilities**

The designated officer responsible for implementation and monitoring of this policy will be the Housing Manager.

### **Related Legislation, Regulation and Codes of Practice**

- ASB Act 2014
- Crime and Disorder Act 1998
- Data Protection Act 2018
- Supported Housing (Regulation) Act 2023
- Regulator of Social Housing Consumer Standards

### **Related Policies, Procedures and Documents**

- Safeguarding Adults and Children Policy
- Domestic Abuse Policy
- Tenancy & Tenure Management Policy
- Equality, Diversity and Inclusion Policy
- ASB Procedure 2024
- Tenancy Agreement



## **Reporting and Monitoring**

All ASB cases will be recorded and monitored to ensure compliance with the Policy, to ensure it is effective and to continually improve how we work.

## **Consultation and Publicising Policy**

The Policy will be added to our website so all tenants and those living near our tenants can access the Policy

## **Review**

The Policy will be reviewed every 3 years (or sooner if there is a change in regulation, legislation, or codes of practice)

## **Equality Impact Assessment**

An Equality Impact Assessment has been completed for this policy