

Anti-Social Behaviour, Hate Crime and Domestic Abuse Policy

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| **Lead Officer** | John Hudson | **Reviewed by** | Alison Caires |

1. **Purpose**

This policy sets out how we will respond to and manage allegations of Anti-social Behaviour (asb) Hate Crime and Domestic Abuse, and the legislation that we can work within to provide remedies.

# Policy Statement

This policy demonstrates our commitment, and outlines our response to, dealing with allegations of ASB, Hate Crime and Domestic Abuse in our role as a Registered Provider.

We believe that everyone has the right to live without fear of ASB, Hate Crime and Domestic Abuse. We recognise the importance of tackling these issues and recognise and consider the debilitating impact that ASB, Hate Crime and Domestic Abuse can have on its victims.

We will work with and support partners to create neighbourhoods where our customers and their families can enjoy a quality of life free from crime and ASB. We will do this by tackling allegations of ASB, Hate Crime and Domestic Abuse promptly and effectively and by working with partners to deter ASB and Hate Crime in the neighbourhoods in which we have customers.

We will manage cases of Domestic Abuse and Hate Crime within our ASB policy.

In Domestic Abuse cases the Housing Officer will treat the information as confidential, agree an action plan with the victim, improve the security of the property if applicable, discuss housing options and work with relevant agencies to ensure the appropriate legal action is taken.

Where safeguarding concerns arise in dealing with allegations we will apply the Safeguarding Policy and Procedure.

This policy relates to our customers living in rented, shared ownership and leasehold homes. Some of the options available to us as a landlord may be limited in the case of leasehold and shared ownership. We will decide if action is possible or necessary on a case by case basis and will be open and transparent in order to manage expectations from the outset. In situations where we do not have the powers or tools to tackle the issue, we may if appropriate work in partnership with other organisations, or signpost as necessary.

# Staff Responsibilities

The Director of Operations is responsible for the implementation and review of this policy.

The Neighbourhood Manager and Head of Housing Operations have a responsibility to ensure that the Policy is being adhered to and that cases are being managed appropriately.

Housing Operations employees have a responsibility to respond to allegations, thoroughly, investigate issues and take any appropriate action.

All employees have a responsibility to ensure any allegations are recorded and allocated to the Housing operations team to be investigated.

# Definitions

* 1. **ASB**

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.” A*nd
* *“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.”*

This is designed to deal with ASB that directly affects the housing management functions of Arches as a ‘relevant landlord’ and as defined by and incorporated into Sections 153A and 153B of the Housing Act 1996 by Section 12 of the Anti-Social Behaviour Act 2003.

We define ASB as:

* “*Conduct which has caused or which is capable of causing harassment, alarm, distress, or nuisance or annoyance to any person and directly or indirectly relates to, or affects the housing management functions of Arches housing Ltd” Or,*
* *“Conduct which consists of or involves using or threatening to use housing accommodation owned or managed by Arches Housing Ltd for an unlawful purpose”.*

The housing management function of a landlord, covers any activity that we would undertake in

the day to day and strategic management of our properties. This includes but is not limited to:

* interactions with customers
* maintenance and repairs
* the collection of rent and other charges
* managing estates and other areas

All Arches staff, agents and contractors are entitled to work in an environment that is safe, secure and free from harassment, fear of violence, threats of violence or abuse. Any behaviour of this nature directed at Arches staff, agents or contractors is unacceptable and will be treated as ASB and managed within our ASB Policy. Any behaviour assessed to be criminal will be reported to the police.

The table below outlines what we do and do not consider to be ASB and within scope of this policy. In very exceptional circumstances, an out of scope matter may be treated as ASB, with the agreement of the Head of Housing Operations.

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| **ASB (in scope)** | **Not ASB (out of scope)** |
| Animal nuisance | Babies crying |
| Arson | Children playing |
| Assault and threats of violence against people | Cooking smells |
| Brothels | DIY noise that is taking place at reasonable hours (7.00am to 11pm) |
| Fly-tipping |
| Criminal damage (including offensive graffiti) or threats to damage property | Dog and cat fouling |
| Drug dealing and use | Disputes with friends and family |
| Noise (deemed to be a statutory nuisance) | General living noise – doors banging, footsteps etc |
| Prostitution | Lifestyle clashes |
| Sexual offences | Parking (non designated areas) |
| Verbal abuse/harassment/intimidation |
| Weapons | Personal disputes and minor personal difference such as dirty looks or fall outs between children |
| Misuse of communal or public spaces |
| Hoarding items in the property or garden | One-off parties such as BBQs, birthday or special occasion providing they do not cause an unacceptable disturbance and there is not a pattern of similar behaviour. |
| Nuisance from vehicles |
| Other criminal behaviour, including hate crimes and domestic abuse |

# 4.2 Domestic Abuse

# The Domestic Abuse Act 2021 defines Domestic Abuse as:

* Behaviour of a person towards another person is domestic abuse if these persons are each aged 16 or over and are personally connected to each other and the behaviour is ‘abusive’. Behaviour is abusive if it consists of (any of the following) physical or sexual abuse, violent or threatening behaviour, controlling or coercive behaviour, economic abuse, psychological, emotional or other abuse and it does not matter whether that behaviour consists of a single incident or a course of conduct.”

Arches Housing will use this definition.

4.3 **Hate Crime**

# Arches uses the definition of Hate Crime as used by the police which is:

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

# We will deal with allegations which relate to one of our properties, or concerns in the immediate vicinity (i.e. in the same street) as one of our properties, or is housing related. This does not mean that we will not work with partners or signpost customers to relevant partners in relation to wider neighbourhood issues.

# 5.0 Reporting Allegations

# We aim to make reporting allegations easy, and we will accept allegations from anyone. They can be made online via our website, online portal, by e-mail, telephone, in writing and in person at our office.

# Where an allegation of ASB is made the case must be opened and recorded using Arches classification of ASB as set out in Appendix 1. Officers must ensure that when a case is initially reported the classification is logged, and the service standards met for initial contact and action plans. There will be times where the ASB reported will involve multiple classifications and in this instance Arches response will be determined by the highest category.

# We will refer to people subjected to or exposed to ASB as ‘complainants’, and if they have seen or heard something but are not directly affected, as ‘witnesses’. We will refer to people alleged or suspected of causing ASB, as ‘perpetrators’.

# 6.0 Complainants and witnesses

The role that complainants and witnesses play is vital. For Arches to be able to effectively investigate thoroughly and fairly, any ASB allegation needs to be made within a reasonable timescale, which will usually be an incident which has occurred in the last three months.

However, where the allegation is of a serious nature or there are identified reasons why reporting the allegation would be delayed, we will use our discretion to open an ASB case. These recommended timescales do not apply in cases of Hate Crime or Domestic Abuse. If an anonymous allegation is made, we will only investigate it if there is sufficient information and evidence to take action if necessary, however we will keep a record of the allegation to support any future investigations.

We will not disclose a complainant or witness’s details to an alleged perpetrator without their consent, however if this is not given, we may not be able to take action. If this is the case, we will clearly explain that to the complainant.

We will work closely with partners to protect any witnesses involved in ASB, Domestic Abuse and Hate Crime cases.

As part of investigating the allegations, we need complainants and witnesses to:

* be considerate of others in their surroundings by being respectful and tolerant of lifestyle choices;
* where appropriate attempt to speak with the alleged perpetrator to resolve the issue;
* report allegations to relevant statutory organisations; for example if the allegation is of a criminal nature, we expect that it will have been reported to the Police in the first instance;
* support action recommended and/or proposed by us.

# **7.0** **Managing Allegations**

We will take a harm-centred approach to any allegations, prioritising responses according to the classifications in Appendix 1 which takes account of the severity of the allegation. We will also carry out a victim risk assessment which will also allow us to offer appropriate support and prioritise action in accordance with any identified vulnerabilities. An action plan will be completed and the next steps agreed with the complainant.

We consider effective communication to be key in managing asb, hate crime and domestic abuse. As part of our action plan, we will agree with the complainant how often and by what method we will keep in contact with them. We will take account of any disclosed vulnerabilities to adjust our approach to communication and investigation where appropriate.

We will use all available tools and powers as appropriate to resolve issues. Our focus is strongly on prevention and from the outset of our relationship with customers; we deliver a strong message that ASB is not tolerated. We assess all applicants for our properties and do not accept applications from people with a previous history of ASB. In situations where action is necessary, we will quickly tackle issues and use the appropriate remedies.

If allegations do not meet our criteria for ASB, advice will be given and the case closed.

Any action we may take will be proportionate to the type of allegation made. There is a range of legal and non-legal action, and in the majority of cases it is hoped that problems can be resolved via non-legal interventions such as mediation or warnings. Any action taken will be one of, or a combination of the following: Preventative Measures as stated above, other Interventions which may include partnership working, Enforcement and Legal Action using the range of tools and powers available to us as a landlord under the Anti-Social Behaviour, Crime and Policing Act 2014, the Housing Act 1988 and other relevant legislation.

Action taken could be against a tenant or leaseholder or any other person, for example a household member or visitor and could relate to an allegation committed at the property, or within the immediate neighbourhood. Action may also be taken against the tenant or leaseholder based on the behaviour of a household member or visitor where it is appropriate and proportionate to do so.

If a Housing Officer managing a case wishes to commence legal proceedings, this must be approved by the Neighbourhood Manager, or in their absence, the Head of Housing Operations.

The Housing Officer should proceed to take steps to close a case if:

* The situation has been resolved and an agreement has been reached with the complainant;
* There is insufficient evidence, or the evidence shows that the allegations are unsubstantiated or misplaced;
* Where the perpetrator of ASB has been evicted or is no longer in the vicinity of the complainant e.g. they have moved out of the area;
* Where we are unable to contact a complainant as agreed within the action plan or one month after the last contact the Housing Officer may close the case where contact attempts can be evidenced.

Before closing a case, we will make contact with complainants and witnesses and clearly explain why we are doing so. The Neighbourhood Manager should approve closure of any ASB case.

We may publicise action taken by us as part of our strategy to provide reassurance to the wider community and to prevent and deter ASB.

# 8.0 Partnership and Neighbourhood Working

In some cases as a landlord, we will not always be the organisation with the responsibility or powers to deal with the allegation(s) made. In these circumstances we adopt a partnership approach and work proactively with other professional organisations such as the Police or Local Authority and share information in line with our Privacy Policy. We may refer complainants or witnesses to other organisations as appropriate whilst always being clear about our responsibilities and capabilities.

Where we have an interest, but another organisation is leading, we may decide not to act until the outcome of their investigation is known.

Where there are identified issues of ASB, Hate Crime and/or Domestic Abuse at a neighbourhood level, we will work with partners to deter and tackle these issues. These measures may include target hardening, environmental works, joint patrols, information sharing and publicity and educational campaigns.

# 9.0 Anti-Social Behaviour Case Review

The Anti-Social Behaviour, Crime and Policing Act 2014 gives victims of Anti-Social Behaviour the right to request an Anti-Social Behaviour Case Review (previously referred to as a Community Trigger), a review of their case which brings agencies together to find a solution. Victims can use the case review when there have been at least three complaints of Anti-Social Behaviour in a six-month period and there has been no adequate response. Our partner boroughs in the local authority are the first point of contact for anyone who wants to use this process. We will work with local authorities and agencies, and we will respond proactively to the findings of any review.

# 10.0 Support

When dealing with allegations we will consider the support needs of complainants, witnesses, alleged perpetrators, staff and contractors. We will carry out a risk assessment on every complainant to identify support needs, and other people involved in the case where we identify this is required or it is requested. Where support needs are identified, we will, with their permission make a specific support referral ourselves but this will be to external organisations.

# 11.0 Review

This Policy will be reviewed every 2 years or if there are any significant changes to current legislation, regulations or codes of practice or guidance.

**12.0 Governance and Assurance**

The Arches board will receive on numbers of ASB, Hate Crime and Domestic Abuse cases on a quarterly basis.

# 13.0 Equality and Diversity

All involved will recognise their ethical and legal duty to advance equality of opportunity and prevent discrimination on the grounds of; age, sex, sexual orientation, disability, race, religion or belief, gender reassignment, pregnancy and maternity, marriage and civil partnership.

# 13.0 Publication

This Policy will be made available to the public and will be accessible via the Arches website.

**APPENDIX 1 – ASB CLASSIFICATION AND SERVICE STANDARDS**

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| ASB category | Service standard for contact by Investigating Officer |
| Hate crime | 1 working day |
| Noise nuisance | 3 working days |
| Verbal abuse/harassment/intimidation/threats | 1 working day |
| Vandalism and damage to property | 3 working days |
| Pets and animal nuisance | 3 working days |
| Nuisance from vehicles | 3 working days |
| Drugs/substance/misuse/drug dealing | 1 working day |
| Alcohol related | 3 working days |
| Domestic abuse | 1 working day |
| Physical violence | 1 working day |
| Litter/rubbish/fly tipping | 3 working days |
| Misuse of communal areas | 3 working days |
| Prostitution/sexual acts | 1 working day |
| Criminal behaviour/crime | 1 working day |
| Garden nuisance (where there is a complainant) | 3 working days |