



Anti- Social Behaviour, Harassment and Hate Crime Policy

Revised January 2019

Review Date January 2022

Approved by:

Board: 17th June 2019

Responsibility:

Housing Services Manager and Chief Executive

Policy statement

St Peter's (Saltley) Housing Association Ltd (SPSHA) is always concerned about the effects of people's behaviour on others and takes a pro-active approach to resolve issues before they escalate.

Regulatory Framework

This policy operates within The Regulatory Framework for Social Housing in England from April 2010.

The main relevant standard is outlined below:

Neighbourhood and Community Standard

Anti-Social Behaviour

- We work in partnership with other agencies to prevent and tackle anti-social behaviour
- We publish our Anti-Social Behaviour, Hate Crime and Harassment Policy to all via the website, leaflets and regular newsletter updates.
- We ensure that tenants are aware of their responsibilities and rights in relation to this policy

What is Anti-Social Behaviour, Harassment and Hate Crime?

Anti-Social Behaviour

Anti-Social Behaviour (ASB) has no one definition. We use the Housing Act 1988 and Anti-Social Behaviour, Crime and Policing Act 2014 to guide us in defining ASB. This means that an incident will be considered to be ASB if it is potentially a criminal activity, and/or causes nuisance, annoyance, alarm, harassment, or distress to any person living in, visiting or employed in the area.

Anti-Social Behaviour in practice can be anything from graffiti, to physically attacking someone. We will record all incidents which we investigate and believe to be anti-social within the definition above.

What is not Anti-Social Behaviour?

We do not usually consider everyday living noises to be anti-social behaviour as individuals have the right to enjoy their homes and entitled to go about their daily lives without concern of complaints made against them. Such noises include:

- Noise from flushing toilets
- Noise from people walking in adjoining properties
- Noise from conversations in adjoining properties
- Children playing during daytime hours
- Noise from washing laundry or dishes in adjoining properties
- Noise from closing cupboards or doors.

Anti-social behaviour complaints are different from service complaints which are addressed through the internal complaints procedure. A service complaint is dissatisfaction with the standard of service, actions or lack of action e.g. not receiving a satisfactory service or not in accordance with policy/procedure

Harassment

Harassment is persecution or intimidation by tenants, members of their household or their visitors, of a person or group because of their race, ethnic or national origin, gender, sexuality, religious beliefs, and disability, age, or family circumstances.

Incidents of harassment can include sexual comments or gestures, offensive graffiti, abusive language and behaviour, violence or threats of violence towards people of all ages including stalking, and damage to homes or possessions because of their race, gender reassignment, sexual orientation, religious beliefs, disability, age or family circumstances.

Hate crime

A hate incident is any incident (which may or may not be a criminal offence) which is perceived by the victim or any other person witnessing the incident, as being motivated by prejudice or hate.

A hate crime generally refers to criminal acts which are seen to have been motivated by prejudice about:-

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

Incidents may involve physical assault, damage to property, bullying, harassment, verbal abuse or insults, offensive graffiti or letter, emails.

We have adopted the following definition of a racist incident:-

‘Any incident which is perceived to be racist by the victim or any other person’.

(Macpherson Report 1999, Recommendation 12)

We will apply the same criteria to hate crimes so that, if anyone – the victim, a witness, the Police or our staff – perceives an incident to be a hate crime or racist incident, it will be recorded as such. Incidents of racial harassment and hate crimes, for monitoring purposes are recorded in such a way to make them easily distinguishable from anti-social behaviour and other forms of harassment. We will work closely with other agencies to prevent and deal with racial harassment and hate crimes.

Working in Partnership

We recognise our responsibilities to the wider community and as such we are committed to ensuring that we work closely with Tenants, residents, community groups and other relevant agencies. Such agencies include the police, other registered providers, local authority anti-social behaviour teams, environmental health departments, neighbourhood wardens and community safety partnerships.

Our aim in developing partnership approaches is to discourage and prevent anti-social behaviour, where possible, and to deal robustly with the consequences when it does occur.

In particular, we will:

- be active members of Safer Estates partnerships in all the areas in which we work
- consult with and actively involve Tenants and relevant agencies in our policy-making

- work with residents and relevant agencies to minimise the incidence of anti-social behaviour in and around our properties.
- provide literature.
- develop joint training initiatives with the police and local authority anti-social behaviour teams
- contribute to good practice in the areas in which we work
- attend meetings with relevant agencies and community groups to agree approaches to particular situations which are affecting communities

Categorising Anti-Social Behaviour, Harassment and Hate Crime

We will categorise incidents of anti-social behaviour, harassment and hate crimes according to severity.

Category	Type of Behaviour	First responses Timescales
Red	Hate crime – Disability, Faith/Religion, LGBT (sexuality), Race Domestic Abuse Actual and threats of violence Arson Graffiti (Offensive) Harassment Intimidation, aggressive or threatening behaviour Using property for illegal purposes Breach of Anti-Social Behaviour Contract Repeats of reported Amber incidents previously discussed and actioned.	1 working day
Amber	Verbal abuse Damage to property, vandalism, graffiti Nuisance from vehicles, neighbours, sustained and excessive noise, drugs, alcohol, youth disorder Constant visitors at unsociable hours Repeats of reported Green incidents previously discussed and actioned. Behaviour deemed to be causing low level harassment	5 working days
Green	Nuisance – unreasonable noise / loud music Inconsiderate parking Working on vehicles Problems with visitors	10 working days

Preventing Anti-social behaviour

Whilst we are committed to responding swiftly and effectively to complaints of anti-social behaviour, our primary aim is to prevent it occurring in the first place. In particular we will pay attention to:-

- Where possible, we will avoid letting properties where there is the potential for conflict between neighbours e.g. to young single people or families with young children too close to older people.
- Where possible, we will ensure individuals or families with additional support needs are not rehoused in areas where they will be vulnerable to harassment.
- We will use starter tenancies to help establish good behaviour before converting tenancies to assured status. We may end any tenancies before the tenancy becomes assured if there are ongoing and unresolved incidents of anti-social behaviour, harassment and hate crime.
- Ensure new tenants are aware of their responsibilities and our approach to ASB through the sign up process and follow up visits.
- Encourage individuals to communicate with each other directly and develop their own resolutions to disputes
- Make it easy for people to contact us about any problems they are experiencing by offering a range of contact & reporting methods.
- We will be clear about our approach to anti-social behaviour and the remedies available both to us and to our tenants
- We will give clear advice on what constitutes anti-social behaviour
- We will liaise closely with the community and statutory and voluntary organisations in an attempt to reduce anti-social behaviour on our estates including working with organisations where the anti-social behaviour is caused by non-tenants on site.

Dealing with Complaints of Anti-Social Behaviour

All complaints will be thoroughly investigated in accordance with the Anti-Social Behaviour, Harassment and Hate Crime Procedure.

Complainants will be kept fully informed of action and progress in relation to their complaint.

All potential solutions will be discussed with the complainant. These may include dispute resolution via a mediation service, civil or criminal court action or an injunction.

In some cases it will be more appropriate for the complainant to take action themselves rather than the Association. In these circumstances the complainant will be notified and given any necessary advice and assistance.

Confidentiality

It is our aim to preserve, wherever possible, the confidentiality of all parties where an allegation of anti-social behaviour has been made. We will deal with complaints of anti-social behaviour promptly and sensitively and all information will be treated confidentially. However, complainants will be informed that we have agreed protocols for the sharing of information with the Police, other registered providers and Local Authorities through Safer Estates Agreements.

Vulnerable parties

We have an obligation towards alleged perpetrators who are vulnerable just as we do for victims of anti-social behaviour. When dealing with alleged perpetrators who are vulnerable it may not be appropriate to follow our usual policy/procedure especially in regard to seeking an eviction. It may be appropriate to liaise with the alleged perpetrator's support network if they have one or signpost to support services if needed. We will carry out a proportionality assessment in all cases to ensure that any support needs are identified during the investigation and action taken is proportionate to the case.

Abuse of Policy and Procedure

Action under this Policy will be taken against tenants who abuse this policy i.e. continually making false allegations of Anti-Social Behaviour.