



Procedure: Antisocial Behaviour and Hate Crime

Approved by: Leadership Group

Date

Approved: Sept 2024

Frequency of review: Every 3 years

1. PURPOSE

- 1.1 We are committed to tackling ASB and harassment experienced by our residents, their neighbours, staff and contractors. This procedure outlines our approach as to how we prevent and tackle ASB/hate crimes in our communities.
- 1.2 This procedure will apply to all properties/communal areas that are owned and managed by Broadland Housing Association. Properties that are owned by Broadland but managed by another organisation, will be subject to those organisations own policies and procedures.

2. KEY STAFF RESPONSIBILITIES

Board

The Board is responsible for ensuring the continued development of this policy.

Senior management

The implementation of this policy will be overseen by the Assistant Housing Director. Local Delivery Managers are responsible for ensuring staff are adequately trained to effectively deliver the policy. Local Delivery Managers need to ensure that all ASB cases in their area are reviewed in accordance with this procedure.

The ASB specialist Local Delivery Manager is responsible for ASB performance reporting and gathering feedback on this procedure.

Staff

Employees are responsible for ensuring they are fully aware and adhere to the terms set out in the procedure. Neighbourhood Officers are responsible for the investigation of ASB complaints in their area. Local Housing Advisors, Customer Services and Sheltered Scheme Managers are responsible for recording any new complaints that are reported directly to them.

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3. DEFINITIONS

Antisocial behaviour: We use the definition of housing related ASB that is contained within Part 1 of the ASB, Crime and Policing Act 2014, namely:

“Conduct capable of causing housing- related nuisance or annoyance to any person”.

In addition, we consider the immoral or illegal use of our properties to be ASB for the purpose of this policy.

Hate Crime: A hate crime or hate incident is any incident that is perceived, by the victim or any other person, to be motivated by hostility or prejudice against a person based on their actual or perceived disability, race, religion, sexual orientation, or gender identity. This includes gender-based violence and sex-based hate under gender identity

Vulnerability: A victim of ASB is vulnerable if the conduct in question causes an adverse impact on their quality of life. Adverse impact includes the risk of harm, deterioration of their health; mental and or emotional wellbeing; or an inability to carry out normal day-to-day routine through fear and intimidation.

Risk of Harm: An adult is at risk of harm if:

- Another person's conduct is causing (or is likely to cause) the adult to be harmed,
- or;
- The adult is engaging (or is likely to engage) in conduct which causes (or is likely to cause) self-harm

Harm centred approach: This encourages organisations to define ASB, and categorise the severity of it, by way of looking at both the behaviour type and the impact that the behaviour is having. It promotes an approach where risk factors are identified, and action is taken accordingly.

4. RELATED DOCUMENTS

RELVANT KEY LEGISLATION AND RELATED DOCUMENTS: (not limited to)	
Legislation	Documents
The Anti-social Behaviour, Crime and Policing Act 2014 Landlord & Tenant Act Housing Act 1988 Equality Act 2010 RSH Consumer Standards Tenant Satisfaction measures General Data Protection Regulation (GDPR) Data Protection Act 2018	Tenancy Agreement Complaints Policy and Procedure Neighbourhood Management Procedure Neighbourhood Management Policy Domestic Abuse Policy Safeguarding Policy Equality Impact Assessment Customer Charter Antisocial Behaviour Policy Resident Involvement Policy Complaints Policy and Procedure Unreasonable Complaints Policy and Procedure Data Protection Policy

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5. What we consider ASB

This statutory definition of ASB is very subjective, based on the perceptions, tolerance, and expectations of the complainant. We all have different views about what behaviour is acceptable.

It is for this reason that when deciding whether something is ASB, we consider whether the behaviour meets the statutory definition and whether it is unreasonable. We make the decision as to whether behaviour is unreasonable based on a number of factors including but not limited to:

- The severity of the behaviour
- The harm it is having
- Frequency, duration, and the times of day that it is occurring
- Whether it is a one-off incident/whether there is a genuine risk of it happening again

Whilst a decision as to whether something is ASB is made on a case-by-case basis, the following types of behaviour are unlikely to be considered as ASB:

- Garden maintenance, including mowing the lawn
- Boundary disputes
- Noise from domestic appliances, such as washing machines
- Children playing in the garden or local area
- One-off events like birthday parties or wedding receptions
- General living noise (flushing toilets, closing doors, footsteps)
- People staring at each other

Complaints of this nature will be dealt with through our Neighbourhood Management Policy.

6. Examples of ASB

Because of our harm-centred approach to deciding whether something is ASB, we cannot provide a definitive list of behaviours that we consider to be anti-social, however examples include:

Personal ASB

Threats of violence
Actual violence
Verbal abuse

Community ASB

Alcohol related nuisance
Noise nuisance
Immoral/illegal use of property
Drug related nuisance

Environmental ASB

Littering
Dog fouling
Graffiti

7. Prioritisation

We aim to prioritise the most harmful cases of ASB, based on behaviour type and the impact that the behaviour is having. We use two categories of ASB, which help us to ensure that we achieve this. They are detailed in the table below:

Category	Examples of behaviour	Response times
Serious ASB	Threats of violence, actual violence, hate crime, other behaviours where there is a risk of serious psychological harm and/or the victim is assessed to be particularly vulnerable	Within 24 working hours of a Broadland staff member being made aware of the report
General ASB	All other matters that meet our definition of ASB	Within 3 working days of a Broadland staff member being made aware of the report

8. Victim Risk

Aside from the initial categorisation of the report, we continue to take steps throughout the case management process in order to identify any risks to the victim and take steps to mitigate these. These include:

- Completing a victim risk assessment with the complainant.
- Taking any steps that are required as a response to the risk score
- Continuing to keep the assessment under review, in case of any changes that affect the score
- Considering harm and risk when deciding the most appropriate action to take in response to ASB that we have found to have occurred
- Discuss any reasonable adjustments that a victim may need from our service

We also work to best support victims of ASB. What we offer or provide will be dependent on the needs of each individual person but may include:

- Taking measures to improve security
- Working with partners to provide more visibility in the area
- Signposting to specialist support agencies as appropriate

Where a victim has agreed to come to court as a witness in one of our legal cases, we may offer additional support to help make this process as comfortable as possible.

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9. Prevention

Our preference is to work to ensure that ASB does not start in the first place. We take a number of steps to try and achieve this, including:

- Designing out the potential for ASB when developing new schemes
- Using starter tenancies
- Having a robust sign-up process and using a pre-tenancy risk assessment
- Carrying out regular inspections of our schemes and estates to identify any concerns at the earliest stage

10. Action

Our aim is to be realistic with tenants about what we can achieve. We will only make the decision as to whether something is ASB or not after we have all the information needed to be able to confidently do so. Once we have made this decision then we will explain to the complainant clearly, and at the earliest opportunity, why the matter is not ASB

If after our initial assessment we do not classify a report as ASB, we still may decide to utilise Neighbourhood Management Procedure. The Neighbourhood Management Procedure has examples of when to use that specific procedure and not to follow the ASB Policy. We will always make it clear which policy we are using to investigate a report

Sometimes complainants will continue to make the same types of reports, even after we have explained that we cannot deal with the behaviour they are reporting. If we consider that this contact is unreasonable then we may take action to manage this, such as setting clear guidelines on who the complainant can speak with, how we will acknowledge their future complaints and how we will continue to communicate with them.

We use a range of preventative, non-legal and legal actions in order to try and prevent/resolve issues of ASB. We decide on the best course of action on a case-by-case basis, considering what is proportionate to the behaviour that is being exhibited. We take into account a number of factors, including but not limited to: severity, frequency, harm, the needs of the victim/s and the perpetrator and what previous action may have been tried. When taking action we will consider all of the tools and powers outlined in the Tackling Anti-social behaviour Toolkit and Crime and Policing Act 2014

11. Non-legal intervention

In some cases, we may support the complainant to take their own actions to try and resolve the issues. For example, if the complainant is reporting issues of noise nuisance, we may ask the complainant to speak to the neighbour causing the issues before we get involved. It may be that the neighbour does not know that the noise is causing a disturbance. We will always consider any risks before making this suggestion and will offer advice and guidance to the complainant about how best to take this approach.

Non-legal actions that we may take include but are not limited to:

- Offering mediation

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- Sending warning letters
- Arranging a meeting with the perpetrator to discuss the issues
- Inviting the perpetrator to sign an Acceptable Behaviour Contract

12. Legal intervention

Whilst we will try to deal with ASB using non-legal interventions, there may be cases where legal action is the proportionate response to take. We will complete a proportionality assessment before taking any legal action, to help us to understand whether legal action is appropriate, what type of tool to use and whether we have satisfied our duties under the equalities act.

Legal actions that we may use to address ASB include:

- Taking action to end or extend a starter tenancy – where a notice is served to end a starter tenancy, the tenant will be offered a right to an internal appeal
- Applying for a demotion order, reducing the security of tenure that the tenant holds for a period of 12 months – if subsequent action is taken to end the demoted tenancy, the tenant will be offered a right to an internal appeal
- Applying for possession – we may use the discretionary ground (ground 14 of schedule 2 of the Housing Act 1988) and/or the absolute ground (ground 7(a) of schedule 2 of the Housing Act 1988). Where we serve notice that contains the absolute ground, we will offer the tenant a right to an internal appeal.
- Seeking an Injunction under Part 1 of the ASB, Crime and Policing Act 2014

We do not have access to all of the tools available to tackle ASB. There may be cases where we recognise that a partner agency has a more suitable tool available to manage the problems, such as a Community Protection Notice, Criminal Behaviour Order or Closure Order. We will work with other partner agencies to determine the best approach in these cases. When legal action will result in us evicting a tenant, we will ensure that we follow our Eviction Policy and procedures.

13. A twin-track approach

We recognise that people causing ASB may have a need or vulnerability themselves, that is exasperating or contributing to the ASB. We will consider the needs of the perpetrator at various stages of the case management process, making support referrals where appropriate and considering these needs when deciding upon the best course of action.

We adopt a twin-track approach to managing ASB, meaning that we will combine our actions to resolve the ASB with our steps to try and support the perpetrator. Our priority is always to try and prevent the harm being caused to the victim/s and recognising that the perpetrator has a support need or vulnerability will not stop us from taking appropriate action, where necessary. In addition, non-availability of support or non-engagement from the perpetrator will not delay or prevent appropriate action from being taken.

14. Communication

We realise the importance of communication; staff will adhere to the key communication principles throughout the ASB process. Where we are required to take tenancy, enforcement action we will provide the perpetrator with clear advice on the implications of this action.

Where a victim has agreed to come to court as a witness in one of our legal cases, we may offer additional support to help make this process as comfortable as possible. What is offered will depend on the requirements of the witness and the resources available but may include:

- Pre-court visits
- Seeking out and requesting special measures
- Referring the witness to Victim Support or other specialist witness service
- Assisting with travel arrangements
- Answering any questions, the witness may have pre, during and post any hearing

15. Performance management

ASB cases will be reviewed after being open for one month and then every two months until they are closed. The cases will be reviewed by the relevant Local Delivery Team Leader or Local Delivery Manager.

Our officers will be kept up to date on related ASB legislation, policy and best practice to ensure they have the skills required to effectively manage ASB cases.

We will monitor complaints of ASB and identify hot spots. In areas where we have multiple complaints, we will hold tenant community meetings to help gain a greater understanding and develop a joint action plan.

16. Safeguarding/Domestic Abuse

We recognise that officers dealing with ASB cases may come into contact with children and/or adults for whom there are safeguarding concerns. Our officers are trained to recognise these circumstances and take the necessary actions, in line with our safeguarding processes.

We also recognise that some ASB that gets reported to us may be as a result of domestic abuse. For example, a neighbour may report noise issues that are a symptom of domestic abuse. Our staff are trained to identify these types of situations and will take a sensitive and appropriate approach to manage these cases. Antisocial Behaviour and Domestic Abuse will be treated separately under the relevant procedures.

17. Closing a case

A case cannot be closed without the authorisation of a Local Delivery Manager/Team Leader. When closing a case, we will provide all complainants with an explanation as to why it is being closed. This will be via a phone call and letter/E-mail. Cases will be closed as either “resolved” or “unresolved”, please see **Appendix 1** for further information about the circumstances for when we will close a case.

18. Partnership working

To deliver a service which is supportive, collaborative, and cohesive, we will work in partnership with relevant statutory, non-statutory and support providers as appropriate to the specific case to cater for the needs of the complainant and the perpetrator.

We will use multi-agency meetings and Police Operational Partnership Teams (OPT) as appropriate, to benefit from the expertise and perspective of other professionals involved in the case. Neighbourhood Officers will also refer cases to the local Anti-Social Behaviour Action Group (ASBAG) or relevant multi agency meeting when appropriate.

19. Feedback

We welcome any feedback from our residents and partners, whether positive or otherwise. Feedback can be provided by visiting our website: www.broadlandgroup.org or calling our customer services on 0303 303 003.

Any feedback that is considered to be a service complaint will be dealt with inline with our complaints policy

20. ASB case review

The ASB Case Review (formerly known as the community trigger) is a statutory process, designed to allow residents to ask for their ASB case to be reviewed. To start the ASB Case Review tenants must make an application to the relevant local authority. We will make residents aware of the ASB Case Review process that is relevant for the local authority area in which they live.

21. Confidentiality

Sometimes complainants ask us to keep their identify confidential. To deal effectively with an ASB report, we need to be able to discuss the nature of the ASB with the perpetrator. Whilst we will work to protect the complainant as far as possible, and do not always need to tell the perpetrator who has made the complaint, we still cannot guarantee anonymity. For example, the details of the ASB report may make it clear who is likely to have complained. We will explain this to the complainant and offer any support and guidance that we are able to give them the confidence to allow us to progress their case.

There may be times where a party in an ASB case tells us something that they wish to be confidential but based on the nature of the information we have a legal obligation to breach this confidentiality. Examples include where a criminal offence has been committed or where someone is at risk of harm.

Appendix 1

Closing an ASB Case

A case cannot be closed without the authorisation of a Local Delivery Manager/Team Leader. When closing a case, we must provide all complainants with an explanation as to why it is being closed. This will be via a phone call and letter/E-mail.

An ASB case can either be “Closed resolved” or “Closed unresolved”. Please see below for the qualifying criteria for each.

Closed Resolved: -

- In the opinion of the landlord, the ASB has ended or is no longer cause for concern
- Cases investigated but it has been identified there is no breach of tenancy should be closed resolved

Please note we should evidence that the ASB is no longer a cause for concern by agreeing this with the tenant.

Closed- Unresolved:-

- Two months have elapsed since last contact with the complaint and we have tried to contact them on at least 4 occasions. The last contact being a notification that we will be closing the case
- Information reasonably requested by us is not provided by the complaint
- No further action is taken at the complainant's request or no further action is possible.