

thirteen

Antisocial Behaviour and Hate Crime Incident Policy

September 2022

Lead Manager	Chris Marshall
Date of Final Draft and Version Number	May 2022
Review Date	May 2023
Officer Responsible for Review	Chris Marshall Andy Elvidge

Policy Review History

Version	Action & Changes	Author	Date
1	Change of lead manager from Angela Corner to Chris Marshall	KG	19/1/2021
2	Change of officer responsible for review to Chris Marshall and Andy Elvidge	KG	25/1/2021
3	Review date brought forward to March 2022 instead of 2023 as this is a key customer priority and the policy should be reviewed regularly, and customer feedback sought	KG	25/1/2021
4	Minor amends - change of neighbourhood to customer where that was more relevant	KG	25/1/2021
5	Added section on environmental sustainability and updated contents re monitoring and review and responsibility at the end of the document (governance information)	KG	25/1/2021
6	Additional section added re our service standards, levels of ASB and methods used to tackle ASB	KG	25/1/2021
7	Training, information and feedback added to section re our approach to tackling ASB	KG	25/1/2021
8	Added in section regarding intolerance to abuse to colleagues including where this related to their race, nationality, religion, gender, gender identify, disability, sexual orientation	KG	26/5/2022
9	Amendments made to timescales in relation to ASB that reflects the joint decision making that takes place with customers around action planning.	KG	26/5/2022

10	Title role changed and their remit included within the policy and removal of role specific tasks i.e. role in relation to noise nuisance.	KG	26/5/2022
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1 POLICY STATEMENT

- 1.1 Feeling safe and secure increases the sustainability of neighbourhoods and promotes community cohesion, health and wellbeing. As part of our vision, we will strive to ensure that we build strong communities, making sure that our homes and communities are great places to live.
- 1.2 To help people feel safe and secure, we are committed to preventing and tackling incidences and perceptions of Antisocial Behaviour (ASB) and Hate Crime. To do this successfully, we aim to strike a balance between prevention and early intervention, support, and enforcement. We will take prompt, appropriate, and decisive action to deal with ASB and Hate Crime before it escalates. We will investigate and intervene early where there are incidences of ASB and Hate Crime, and where appropriate we will utilise mediation tailored towards the needs of the tenant, their families and the complainant (regardless of the tenure of the complainant) to prevent matters from escalating. We will also instigate preventative and proactive services or activities where they are needed.
- 1.3 We will have in place effective support mechanisms tailored to the victim, the perpetrator and where appropriate seek to take a whole family approach. We will take prompt, appropriate, and proportionate action, including legal action, where necessary.
- 1.4 Partnership working is paramount in reducing ASB and increasing feelings of safety and security. We will continue to work closely within existing partnerships, such as the Police, Local Authorities and all members of Community Safety Partnerships where we operate while looking to develop relationships with other organisations where it will add value.
- 1.5 To achieve our aspirations, we seek to empower our customers to feel safe and secure. This will involve listening to our customers and engaging them in a meaningful way to reduce incidences and perceptions of ASB, and inspiring confidence by communicating our actions to them and delivering a service of which we can be proud.
- 1.6 We aim to concentrate on dealing with the cause of ASB, which can often include:
 - Troubled families and intergenerational ASB
 - Lack of facilities, particularly for youths
 - Lack of community spirit and ownership
 - Fear of crime and misperceptions
 - Estate design and appearance
 - Allocation issues and managing mixed tenure communities
 - Hate incidents/crimes
 - Malicious complaints
 - Vulnerability issues, including mental health, alcohol/drug dependency
 - Lack of effective partnerships in local areas and communities
- 1.7. Our success will be measured in terms of the action we take, and how safe and secure our neighbourhoods feel as a result.
- 1.8. We will ensure that our colleagues also feel safe in the carrying out of their duties and take a zero tolerance approach to any forms of abuse, including hate crime.

2 REFERENCE MATERIAL

- 2.1 Anti-social Behaviour, Crime and Policing Act 2014
- 2.2 Regulator of Social Housing Neighbourhood & Community Consumer Standard

3 DEFINITIONS

- 3.1 There is no commonly agreed definition of Anti-Social Behaviour (ASB), therefore this section draws on the definition in the Anti-social Behaviour, Crime and Policing Act 2014 which defines ASB 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.
- 3.2 Hate crime, as defined by the Crown Prosecution Service, is a term that can be used to describe a range of criminal behaviour where the perpetrator is motivated by hostility or demonstrated hostility towards the victim's disability, race, religion, sexual orientation or gender identity, including lesbian, gay, bisexual, transgender and any other gender identity.
- 3.3 A hate crime can include verbal abuse, intimidation, threats, harassment, assault, bullying, damage to property and the perpetrator can also be a friend, carer or acquaintance who exploits their relationship with the victim for financial gain or another criminal purpose.

4 POLICY CONTENTS

4.1 Policy Outcomes

We aim to achieve the following outcomes:

- Ensure that everyone within our neighbourhoods feel safe and secure by preventing and tackling incidences and perceptions of ASB
- Ensure that Thirteen colleagues feel safe carrying out their role within our neighbourhoods and that a zero-tolerance approach is taken to all forms of abuse, including hate crime.
- Ensure that our neighbourhoods are safe and tolerant places to live for all residents by tackling hate crime and discrimination
- Empower customers by engaging with them and communicate our actions where appropriate
- Encourage reporting- this will enable us to have a better understanding of issues affecting our neighbourhoods
- Respond to complaints of ASB quickly and effectively by using a range of methods including prevention, early intervention, support and enforcement
- Provide timely updates to complainants to build confidence and manage expectations

- Enable preventative and proactive services or activities to reduce or prevent the likelihood of ASB
- Offer appropriate support and advice to victims and perpetrators of ASB and where appropriate seek to take a whole family approach
- Take prompt, appropriate, and proportionate action, including legal action, where necessary
- Continue to work effectively with existing partners and develop a shared understanding of responsibilities with other local organisations where it will add value.

4.2 What are the responsibilities of our tenants?

Within our Tenancy Agreements there are a number of statutory and contractual obligations. These include:

- Use of property
- Nuisance
- Violence towards staff
- Harassment
- Domestic Violence
- Damage to property
- Pets
- Care of the property
- Vehicle maintenance

The clauses contain clear statements and responsibilities for both Thirteen and our Customers.

4.3 Our Approach to Tackling ASB will be a combination of:

- Case Management - we will customise our approach to case management to suit the needs of the victim and the severity of risk posed by perpetrators
- Prevention and Early Intervention - will start from the moment we are made aware of an incident occurring or have concerns about the welfare and safety of individuals.
- Information – we will provide a range of advice and information on ASB on our website, via social media and at the start of the tenancy to ensure that all customers are aware of their responsibilities to not cause annoyance or nuisance which will impact on other customers and residents quiet enjoyment of their home. We will also provide information that abuse and aggression towards our colleagues will not be tolerated.
- Campaigns – Thirteen will periodically run awareness raising campaigns around being a good neighbour, as well as specific targeted campaigns around themes such as Illegal Money Lending, diversity and inclusion, as well as targeted points during the year, such as bonfire night.
- Safeguarding and Vulnerability - these are factors which will be considered and acted upon from the outset of our involvement with a household and we will work in partnership with a range of agencies to safeguard vulnerable customers

- Support - will be provided throughout to both victim and perpetrator where required
- Enforcement - will mainly occur in the most serious of cases either in isolation or in conjunction with support.
- Partnership Working - working continuously with others to reduce ASB within our neighbourhoods and providing the appropriate resources. We will notify the police of any criminal activity and act upon and follow all data protection principles.
- Training – Colleagues will receive regular ASB and Hate Crime training, keeping up with legislative changes to ensure that all measures are taken to enable the best outcome for customers and the wider neighbourhood.
- Feedback – we will seek customer feedback on our ASB service, ensuring that we are constantly improving our customer offer.

4.4. Our Standards of Service:

- We will acknowledge all incidents of ASB reported to Thirteen within 1 working day.
- We will respond to the most serious cases of anti-social behaviour first, with domestic abuse, hate crimes and serious issues of safety within 1 working day.
- Customers who report a new incident of ASB will receive a response within 3 working days, providing guidance and an agreed plan of action.
- ASB cases can be received by any Thirteen Touchpoint or through a partner agency
- We will keep all reports of anti-social behaviour confidential and will seek customers authority to disclose prior to any information being shared with a third party.
- Where we have safeguarding concerns, these will be reported to the relevant agency through our safeguarding protocols
- A vulnerability assessment will be completed for all new reported ASB incidents and for any new complainants to ongoing cases
- All customers will be contacted every 10 working days when an ASB case is open, through either an automated contact or manual contact in consultation with customers, to ensure that cases are well managed and feedback from customers received.
- We will always seek the consent of the complainant before closing a case
- Cases will be assessed and categorised by severity, with the Housing Services Coordinator investigating and handling low level cases and a Housing Services Response Coordinator who will be responsible for high level cases and problem solving in a wider neighbourhood context.
- Where Thirteen colleagues are subjected to ASB or hate crime in carrying out their role we will take a zero-tolerance approach and follow our employee protection procedure to protect colleagues and where appropriate tenancy enforcement action will be taken.
- Our approach to ASB is consistent for any Thirteen customer experiencing anti-social behaviour, including rented customers, shared owners, leaseholders, bespoke customers and customers in student accommodation and is also consistent where the ASB is being caused from a Thirteen property but the person reporting is not a Thirteen customer

4.5. Categorising and Responding

- The most serious incidents of ASB (high level) includes
 - Any hate crime/incident including all protected characteristics, including race, disability, gender, gender identity
 - Criminal activities e.g. drug dealing
 - Physical assaults
 - Threats of violence
 - Damage to property owned by Thirteen
 - Violence towards Thirteen colleagues
 - Domestic Abuse
 - Grooming
 - Gang nuisance
 - Illegal Money Lending
- Lower level ASB includes
 - Noise nuisance
 - Youth nuisance
 - Missile throwing (stones/snowballs)
 - Quad and motorbike nuisance
 - Communal area nuisance
 - Cannabis use (when not linked to dealing)
 - Animal nuisance

4.6. Methods used to resolve ASB

Prevention and Early Intervention

- Our preventative approach has clear objectives, to reduce opportunities for criminality and ASB, reduce risk factors, which foster such behaviour and encourage customers to fulfil their responsibilities to the wider community.
- Potential customers are assessed for eligibility when initially seeking to secure housing either through our nomination protocols or directly via MyThirteen and our lettings policy is clear around our approach.
- Starter Tenancies - We offer a 12 month 'starter period' to all new tenants and we may end that tenancy if there are incidences of ASB. New customers are informed by staff during their sign up what their responsibilities will be in ensuring they can sustain their tenancy successfully.
- Thirteen encourages early intervention methods and these are seen as an essential part of our policy in reducing incidents of ASB in our neighbourhoods. There are a range of initiatives and preventative measures Thirteen undertakes, including:
 - Mediation – This is a process involving an impartial third party (the Mediator) to help people in dispute reach a resolution.
 - Acceptable Behaviour Agreements (ABA) – This is an intervention designed to engage the offending individual in recognising the effects their behaviour is having on others. It outlines what the offender must refrain from doing but can also include positive actions.

Safeguarding and Vulnerability

- Thirteen aims to provide the highest level of service and care to its vulnerable tenants and service users. We are committed to developing and providing high quality homes and services that meet the needs of vulnerable

people, whilst ensuring that they can live independent and full lives wherever possible.

- Vulnerability can include: Drug and alcohol dependency; Learning disabilities; Physical disabilities; Physical or mental illness; Change in life circumstances (e.g. relationship breakdown); Debt problems; Illegal money lending; Hoarding; Bereavement
- Thirteen regards the safety and protection of vulnerable adults and children as paramount within all of our activities whether this involves direct or indirect contact and adhere to our safeguarding protocols recognizing that we have a duty of care where there is a suspicion or concern that a customer is vulnerable and where there is a suspicion, concern or allegation of abuse.

Enforcement and Legal Remedies

- Thirteen will utilise a range of different CCTV systems, including fixed and mobile and covert (hidden) and overt (in plain sight) cameras and noise monitoring equipment, including the noise APP, for the purpose of investigating causes of ASB and crime. CCTV and noise monitoring equipment will only be used in circumstances such as the prevention, investigation and detection of ASB and crime, the apprehension and prosecution of offenders (including use of images as evidence in criminal proceedings), and public and employee safety.
- As a last resort, where all other measures and attempts to resolve the problem have failed, we can take legal action. There will be rare occasions when the severity of the situation may dictate that we need to take some form of early legal action. We will only seek to take legal action which is appropriate, proportionate and effective given each individual case. We will ensure that we follow all pre-court protocols when considering undertaking any possession action.
- The range of available legal remedies include but are not limited to:
 - Notice of Seeking Possession (NOSP) – A NOSP is a notification informing the tenant(s) that Thirteen intend to seek possession of their property due to a breach of their Tenancy Agreement. We must service this notice before making an application to court.
 - Injunction (ASB, Crime and Policing Act) – A court may grant an injunction to a person aged 10 or over if certain conditions are met. If an injunction is granted it can prohibit the respondent from doing anything described in the order. An injunction can also require the respondent to do anything described, including positive requirements. The power of arrest may be attached to an injunction. Usually, the injunction is granted as a temporary measure to stop something from happening and is useful as an immediate action.
 - Possession Proceedings – The ultimate sanction for a breach of the tenancy agreement and always is used as a last resort. This may only be carried out at the judgement of the Court where the ASB is a ground for termination of the tenancy.
 - Use of Starter Tenancies – We offer a 12 month ‘starter period’ to all new tenants and we may end that tenancy at the end of the period of there are incidences of ASB utilising a Section 21 notice.
 - Demotion Orders – We can apply to ‘demote’ a tenancy from an assured tenancy to a demoted assured shorthold tenancy where that tenant (or a member of their household or visitor) has been involved in

ASB. This will result in the tenant losing key rights for a set period, for example the Preserved Right to Buy or Right to Acquire.

- Parenting Orders – We can apply to the magistrate's court for a Parenting Order for children up to 17 years of age to prevent further repetition of ASB.
- Other Remedies – For example where there is criminal behaviour or to tackle specific incidences such as abandoned properties.

5 GOVERNANCE INFORMATION

Equality and Diversity	12 April 2022
Customer Involvement and Consultation	27 May 2022
Environmental Sustainability	None
Monitoring and Review	The review will be undertaken annually or where there is a change in lead in relation to ASB, whichever is sooner.
Responsibility	Chris Marshall is overall lead for ASB and responsible for the implementation of the policy. Housing Service Managers are responsible for the operational delivery lead for ASB within housing services and responsible for the associated procedures.

6 APPENDICES

Not applicable