



Policy title:	Anti-Social Behaviour & Hate Crime Policy		
Scope:	Aspire Housing		
Policy owner & job title:	Head of Neighbourhoods		
Approver:	Director of Communities		
Date:	April 2022	Review Due Date:	April 2025

POLICY SUMMARY

This policy sets out our approach to minimising and addressing Anti-Social Behaviour (ASB) and Hate Crime.

Aspire is committed to the Respect ASB Charter for Housing. We will take a zero tolerance approach to ASB and Hate Crime and we will balance prevention with enforcement action together with support. Working with customers, local communities, and partner agencies including community safety partnerships, we aim to prevent and minimise its impact on all those involved.

All reports of Domestic Abuse will be dealt with in line with our Domestic Abuse Policy.

This policy is aligned with other relevant corporate policies and will be amended to reflect any changes in these.

The Group Chief Executive, Executive Director of Customer Excellence, Director of Communities, Head of Neighbourhoods and Locality Managers are responsible for ensuring the delivery of this policy and compliance with legal and regulatory requirements.

ASSOCIATED LEGISLATION AND RELATED DOCUMENTS

Below is the key legislation and regulatory requirements relating to ASB and Hate Crime.

- Anti-Social Behaviour, Crime and Policing Act 2014
- Equality Act 2010
- Crime and Disorder Act 1998 (as amended 2002)
- Housing Act 1996
- Human Rights Act 1998
- Data Protection Act 2018
- Reform of Anti-Social Behaviour powers statutory guidance for frontline professionals 2014 (updated 2019)
- Health and Safety Policy

- Data Protection Policy
- Lone Working Procedure
- Customer Feedback Policy
- Equality and Diversity Policy
- Joint Allocation Policy
- Safeguarding Policy
- Domestic Abuse Policy

POLICY STATEMENT

Aspire Housing has adopted the definitions below and will adhere to all relevant legal and regulatory requirements relating to ASB and Hate Crime.

ASB is defined by Section 2 (1) of the Anti-Social Behaviour Crime and Policing Act 2014 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

It can include:

- serious acts of violence
- harassment
- drug-dealing, abuse, and smells
- disturbance caused by noisy pets
- noise nuisance including loud music and excessive shouting
- garden rubbish
- inconsiderate parking
- running illegal businesses

There are occasions where behaviour is reported to us but we do not define it as ASB. This may include:

- The behaviour does not meet our definition of ASB
- The behaviour is not affecting our housing management function
- There is no pattern of behaviour and the incident is minor (e.g. A one-off party that has caused someone noise nuisance but where there is no foreseeable risk of a repeat incident)
- The behaviour is not unreasonable

Hate crime is any incident perceived by the victim, or any other person, to be motivated by prejudice or hate. This includes direct or indirect discrimination against a person's disability; gender; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion and belief; sexual orientation and age.

We will use a consistent and clear approach together with a variety of techniques to investigate and support all reports of ASB and Hate Crime. Our approach will be thorough, impartial and proportionate, we will prioritise early intervention and be open and honest about how we can help and support.

We are signed up to and will comply with the Safer Estates and Information Exchange Protocols and Agreements in the areas where we work.

In cases of **ASB** we will work with partner agencies to problem solve and find solutions. We will consider the support needs of complainants, witnesses and perpetrators and ensure support options are available to those who need it

Legal enforcement will only be considered when all other options available to help resolve the issues have been exhausted

Not all noise is Anti-Social Behaviour and noises which are created from ordinary and reasonable use of a property are not considered to be a breach of the terms of a tenancy agreement. Examples of behaviour that is not unreasonable may include;

- Carrying out DIY repairs at reasonable times
- Noise generated by everyday living
- Noise from domestic appliances during reasonable times
- Cooking smells
- Children playing in the locality of their home or a designated playing area, as long as the 'playing' does not include behaviour which could be considered nuisance behaviour.

Aspire housing positively supports customers who are victims of **Hate crime** and will take immediate action, with partner agencies as appropriate, against perpetrators of hate incidents.

Aspire housing is committed to the PREVENT agenda and will work closely with partners to ensure colleagues have an awareness of, and understand how to identify radicalisation risks, the effects it has on our communities and actions required to tackle these issues.

Aspire housing is committed to the personal safety and confidentiality of victims of Domestic Abuse and will consider potential indicators of this as part of an ASB investigation. Safeguarding concerns will be raised with partner agencies and

through our participation in the Multi Agency Risk Assessment Conference (MARAC) a partnership forum supporting at risk victims of domestic abuse.

We will work with victims to identify immediate housing options and tenancy rights, discuss contact with the Police, medical services and support agencies and groups, and give advice without placing unnecessary pressure on the victim.

WORKING WITH COMPLAINANTS AND WITNESSES

All complainants' witnesses will be asked to take an active role in the investigation and work with us to resolve issues of ASB.

This may include;

- Encouraging the complainant to speak with the alleged perpetrator if there are no perceived risks in approaching them
- Responding to contact from Aspire Housing
- Providing information as requested like completing diary sheets
- Agreeing to be involved in activities to help to resolve issues like Mediation Services
- Providing written witness statements to support legal action
- Incidents of a criminal nature must be reported to the police
- Understanding tolerance and agreeing not to make unnecessary complaints about neighbours

We are committed to providing support with the reporting process however cases may be closed where complainants are not willing to do this.

Malicious complaints will not be tolerated, and we may act against such complainants.

WORKING WITH VULNERABLE PERPETRATORS AND VICTIMS

Aspire recognise that some customers, whether they are the victim or perpetrator, may have complex needs and may require additional support. This will not be a barrier to taking enforcement action when necessary, however we will try and ensure that they have access to support to help address any unacceptable behaviour.

A **vulnerable adult** is defined as a person who is or may be in need of community care services by reason of mental or other disability, age or illness, and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.

CONFIDENTIALITY, DATA PROTECTION AND INFORMATION SHARING

Aspire will treat all information received with the strictest of confidence. In the first instance, the best interest and wishes of the complainant will drive the actions that we will take. 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 and any information sharing protocols we have and in some circumstances, confidentiality may be subjected to a duty to disclose relevant information to other statutory.

EQUALITY AND DIVERSITY

All customers, colleagues and others will be treated with fairness and respect. Customers and others will be supported to provide feedback in a method that is suitable for them, and reasonable adjustments will be made to ensure compliance with the Equality Act 2010. Further details can be found in our Equality and Diversity policy which is available on request.

RESPONSIBILITIES OF EMPLOYEE

To comply with the policy, attend training and seek advice where necessary.

RESPONSIBILITY OF ASPIRE

To monitor the impact of this policy regarding continuous improvement and ensuring it meets its aim of minimising and addressing ASB and Hate Crime.

We will have procedures and processes in place and provide training to ensure the successful implementation of this policy.

We will work with our partners and have range of support services to assist customers when required.

This policy will be reviewed every 3 years or when there is any significant legislative or policy changes.