



ANTISOCIAL BEHAVIOUR RACE AND HATE CRIME POLICY

Policy Details	
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Overall Responsibility	Director of Housing Services
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1. Introduction

- 1.1 This Anti-Social Behaviour (ASB) policy aims to provide a framework for the Association to have an effective strategy for deterring and dealing with anti-social behaviour.
- 1.2 This policy and associated procedure sets out our approach to tackling ASB, through prevention, enforcement and support. Its purpose is to minimise acts of ASB that affect our residents and communities thereby allowing individuals to feel safe and live peacefully in their homes. This will be done dealing quickly and effectively with reports of ASB and using available means to support victims and witnesses.

We will be responsible for making sure that all tenants, including family members, lodgers and visitors comply with the full terms of their Tenancy Agreement to ensure that all residents can enjoy their homes without fear of persistent nuisance or ASB

- 1.3 This policy sets out what we expect from our residents and service users and what they can expect from us to protect their right to peaceful enjoyment of their home and their community.
- 1.4 Solon South West Housing Association Ltd. believes that:

Everyone has right to live peacefully in their home without suffering disturbance or nuisance from others. We aim to provide early intervention to all complaints of ASB through prevention, enforcement and support. However, we encourage all residents to first try and resolve disputes themselves in a reasonable manner, respect other people's right to their chosen lifestyle and be tolerant of everyday behaviours and/or reasonable levels of disturbance.

Solon recognises that it also has a role as landlord in ensuring that such rights and obligations are realised in individual cases.

- 1.5 Solon will not tolerate ASB. This will be made clear to our residents and service users and to any person who is seeking a tenancy or lease. We have at our disposal a range of tools and powers that can be used to effectively deal with ASB and will seek to enforce such action wherever necessary.

2. Scope of the policy

- 2.1 This policy applies to anti-social behaviour, domestic abuse, hate crimes and harassment being committed by our residents and service users including tenants,

leaseholders and shared owners.

- 2.2 We will respond to complaints of ASB from whatever source if it is alleged that our residents, members of their families or visitors are perpetrators of ASB.
- 2.3 We are committed to finding ways of acting with and on behalf of our residents who experience ASB caused by people who are not our tenants.
- 2.4 In dealing with ASB we will provide a range of measures designed to prevent and resolve further incidents of ASB.

3. Definitions

- 3.1 Solon adopts the following definition of anti-social behaviour in accordance with the Anti-Social Behaviour Crime and Policing Act 2014:
 - a) Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person.
 - b) Conduct capable of causing nuisance or annoyance to any person in relation to that person's occupation of the residential premises.
 - c) Conduct capable of causing housing-related nuisance or annoyance to any person.

'Person' includes anyone who has the right to live in the property owned or managed by us, those living in any other property in the neighbourhood (for example, owner occupiers, tenants of other landlords) and anyone else lawfully in such property or in the locality.

'Housing-related' means any activity that directly, or indirectly relates to the housing management functions of us and work that is undertaken in the day to day management of our properties and neighbourhoods. This can include

- Resident involvement
- Repairs and maintenance
- Neighbourhood management

Some examples of anti-social behaviour may include, but are not limited to:

- Actual or threatened violence against people or property
- Domestic violence

- Excessive noise nuisance
 - Use of insulting, threatening or aggressive words or behaviour
 - Hate behaviour which is intended to target a member or members of a specific identified group because of their perceived difference
 - Damage to property (including graffiti and vandalism)
 - Rubbish dumping and misuse of communal areas
 - Use, supply and production of drugs
 - Uncontrolled animals and pets
- 3.2 Examples of behaviour that Solon may not consider anti-social includes but is not limited to: cooking odours, one off parties, clash of lifestyles, noises that arise out of the ordinary and reasonable use of a property such as slamming doors, talking, babies crying, children playing or dropping items. Solon does recognise however that in certain circumstances, the examples can turn in to actionable behaviour.
- 3.3 We will also consider any definitions of ASB as stated in an individual's tenancy agreement or lease when taking actions to manage ASB.

4. Key Commitments

Residents Responsibilities

- 4.1 We expect our residents to show consideration to their neighbours and their community, and not to commit, or allow their family or visitors to commit acts of ASB whether to other residents, their visitors or other people in the area, such as our staff and contractors.
- 4.2 Solon believes that the resident plays a key part in the successful management of ASB. Complainants are expected to cooperate with reasonable requests to assist in progressing reports of ASB. In addition to the legal responsibilities set-out in their tenancy agreement or lease, we will encourage all residents to:
- Report all incidents of ASB, domestic abuse, hate crimes and harassment.
 - Report all crimes, including threats or acts of violence, to the Police.
 - Take responsibility for minor personal disputes with their neighbours and to try

to resolve any such problems themselves in a reasonable manner.

- Respect other peoples' right to their chosen lifestyle and everyday reasonable level of disturbance.
- Work with us to resolve disputes/issues, for example by providing witness statements, attending court etc.

If complainants do not cooperate, Solon may not be able to take any further action to resolve the problem.

5. Action to Deal Effectively with ASB

- 5.1 We will prioritise the identification and protection of high risk or vulnerable victims of ASB. A vulnerable victim is one whose experience of ASB, and its resulting harm, is likely to be more significant because of their personal circumstances.
- 5.2 We will ensure our approach to ASB is always proportionate and reasonable and ASB will be addressed through effective through effective:
- Preventative action
 - Early intervention
 - Provision of appropriate support and advice for those reporting ASB and witnesses
 - Legal action against perpetrators (whether by us or another agency)
 - Provision of appropriate support for perpetrators
- 5.3 When an initial complaint is received we will identify the type of nuisance that is occurring, its frequency and severity and whether it constitutes ASB giving consideration to the vulnerability of the victim. Our initial intervention will aim to stop the problem behaviour, prevent re-occurrence and achieve effective and long-lasting solutions.
- 5.4 We aim to provide a balanced approach between protecting the quiet enjoyment of the community with helping individuals to sustain their tenancies by addressing the ASB.

Re-housing Victims of ASB

- 5.5 As far as possible action will be taken against a perpetrator of ASB to stop the behaviour, rather than moving the person/s affected by it. Where the resident wants to leave their home, we will support requests for re-housing if we are satisfied that it is

reasonable and necessary to protect the victim or witness. It is important to note that we cannot guarantee the outcome or speed of this.

Non-Legal Remedies

- 5.6 We believe that in many incidences ASB can be stopped when challenged early enough. Wherever possible we will use non-legal intervention measures.

Legal Action

- 5.7 Where the case is either serious and/or criminal or other intervention has failed to stop or prevent persistent ASB, we may pursue legal action. The options taken will vary depending on:

- The type of behaviour and its impact on others;
- The age of the perpetrator;
- Any vulnerability or disability of the perpetrator;
- Whether the perpetrator is a resident or non-resident;
- Willingness of the perpetrator to engage with support/intervention packages offered; and
- The evidence we have to support the case.

- 5.8 Criminal cases will be referred to the Police to deal with. Where the individual who reports ASB wishes to pursue their own action to resolve a problem of ASB and we feel there is sufficient evidence to do so, we may provide advice and support to assist them.

6. Partnership Working

- 6.1 Solon will adopt a multi-agency approach to tackling ASB to benefit from sharing of expertise and resources, including feeding back on the effectiveness of services and working towards solutions to specific area issues. We will work in partnership with statutory organisations, partnering agents, community groups, professional bodies and other stakeholders to support individuals who report ASB, witnesses and perpetrators' and to manage behaviour. We will work in partnership at a strategic and operational level.

7. Support

- 7.1 We aim to create sustainable communities and an environment where victims and

witnesses feel confident and safe in coming forward to report ASB. We will provide support to the person reporting ASB and witnesses both to ensure their own well-being and that action against perpetrators is as successful as possible. We will support complainants and witnesses of ASB by:

- Dealing with their reports promptly;
- Involving them in discussions about the action plan to resolve their issue;
- Keeping them informed of any developments; and
- Referring them to appropriate support services where necessary.

7.2 Generally we would wish to obtain agreement with complainants about the particular actions to be followed. There may be occasions where the complainant would wish that Solon take no specific action on their report. The situation may however be serious enough that we feel we have little option but to pursue the issue against their wishes. In such circumstances we will take appropriate measures to protect all those affected. On the other hand a complainant may wish us to take an action against an alleged perpetrator that we consider is not proportionate to the alleged incident. In such a case we may decide to follow a different course of action. We will always communicate and make the complainant aware of our proposed action plan.

7.3 We are committed to resolving reports of ASB, and will endeavour to be realistic about the chances of success thereby creating reasonable optimism while avoiding unreasonable expectations.

Supporting Perpetrators

7.4 Solon also aims to tackle the causes of ASB in our communities by challenging behaviour and providing remedies to resolve the behaviour. We recognise the importance of giving perpetrators the opportunity to modify their behaviour and make positive changes.

7.5 We may work with perpetrators to resolve the ASB and take into account any underlying factors that may be causing the behaviour, for example:

- Family or relationship breakdown
- Mental health
- Learning disabilities
- Clash of life styles

7.6 However this is not possible in some cases and therefore we may take immediate legal action, for example where violence is involved. When we receive a complaint of anti-social behaviour we will attempt to make contact with the alleged perpetrator and explain the complaint to them. We will also try to arrange an interview so that we can discuss this with them and agree a resolution.

- 7.7 Where we identify specific support needs for the perpetrators of ASB a referral will be made to appropriate support agencies such as, drug and alcohol support groups and family intervention.
- 7.8 In certain cases if the perpetrator does not modify their behaviour or engage with us we may consider taking further action against them or their tenancy. If the perpetrator is a Solon resident and causes damage to their property as a result of anti-social behaviour they will be recharged for the damage to their property under the terms of the Recharge Policy except in the event of exceptional circumstances.
- 7.9 Consideration will always be given to issues of vulnerability where, for example, it is felt that ASB is associated with a person's disability, mental health, or drug and alcohol abuse. In such cases we will apply the relevant provisions of the Equality Act 2010 and other relevant legislation, seeking the intervention and support of other partnership agencies as appropriate.

8. Hate Crime and Incidents (including racial harassment and homophobia)

- 8.1 At Solon we consider incidents of hate crime to be very serious anti-social behaviour and we will deal with all complaints of hate crimes within one working day.
- 8.2 Examples of a hate crime or incident could be because of someone's gender, religion, age, faith, race, disability, or because they are gay, lesbian or transgender. When a hate crime or incident is reported to us, we will investigate to establish if the harassment is motivated by prejudice or hate. By using the complainant's perception we will ensure that any prejudice or hate is considered throughout the investigation.
- 8.3 Where a hate crime or incident is reported to us we cannot take enforcement action without evidence. All complainants and witnesses however will be supported throughout the investigation and will be dealt with in a supportive, sensitive way.
- 8.4 When appropriate we can also make referrals to appropriate support agencies to provide additional support.

9. Domestic Abuse

- 9.1 We are committed to tackling all forms of domestic abuse, and anyone found committing it is in breach of their tenancy conditions. This could lead to further action being taken against them or their tenancy.
- 9.2 We use the Home Office definition of domestic violence and abuse which is:

“any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to:

- Psychological
- Physical
- Sexual
- Financial
- Emotional.”

- 9.3 When an incident of domestic abuse is reported to us, we will contact the complainant within one working day to agree an action plan with them.
- 9.4 We will work with our multi-agency partners to make referrals for additional support and re-housing where appropriate. All complainants and witnesses will be supported throughout the investigation and will be dealt with in a supportive, sensitive way. It is important to note that we cannot guarantee the outcome or speed of any re-housing referrals.

10. Service Standards

- 10.1 Solon aims to deliver the highest standards of customer service. In line with this aim we have clear service standards around anti-social behaviour, domestic abuse, hate crime and harassment. Residents of Solon can therefore expect to receive the following service:

We will:

- Respond within one working day to all reports of hate crimes, domestic abuse, serious ASB and harassment or where there is an immediate threat
- Respond within five working days to all other reports of anti-social behaviour or nuisance
- Listen to customers concerns and take action as soon as possible
- Do our best to predict problems and take actions to prevent them
- Agree an action plan with complainants so that they are clear what we will do to try to resolve a problem
- Agree how the complainant should be contacted and how often
- Keep individuals informed of progress until the problem is resolved. We also will rely on the complainant to keep in contact with us.
- Use a range of different strategies to deal with ASB
- Work with other agencies that can help to resolve problems and give individuals support

- Support individuals if the case goes to court and provide transport if needed
- Discuss closing the case once the problem has been resolved and confirm the decision in writing
- Send a satisfaction form to individuals once the case has been closed to check on our performance
- Publish the outcome of successful cases but only with the individuals agreement

11. Monitoring

- 11.1 The Director of Housing Services and Anti-Social Behaviour Officer will regularly monitor each case of ASB; provide appropriate advice and support to individual case officers, ensure that they receive appropriate training; and ensure that all cases are appropriately recorded and dealt with in line with detailed operating procedures.
- 11.2 We will benchmark performance with other organisations and will provide regular summary reports to the Senior Management Team and The Board on the volume, progress of reports of ASB, action taken and case outcomes, together with an analysis of resident satisfaction in the provision of the service to residents.
- 11.3 We will monitor also monitor our performance against the Service Standards every six months via a number of methods including key performance indicators and resident feedback. We will publish our findings on our website and include a summary in our residents' newsletter.
- 11.4 The Director of Housing Services will also audit live cases at monthly one to one meetings to ensure that our service standards are being met.

12. Confidentiality

- 12.1 We understand that making a complaint of anti-social behaviour can be frightening, therefore we will respect the rights of our complainants to confidentiality and will always request their permission before sharing any information they give us with third parties. We will comply with the requirements with the Data Protection Act 1998 and any other relevant legislation

13. Equality and Diversity

- 13.1 This policy is not deemed to adversely impact on anyone on the grounds of age, disability, ethnicity or gender. We will continue to review this as part of the on-going monitoring process.
- 13.2 We will ensure that our procedure is applied fairly and consistently to all our residents and customers. Indeed we will tailor our services to the individual needs of our residents by using tenancy audit data to proactively address potential communication

problems such as language issues, disabilities or mental health problems. Where necessary we will offer home visits, interpretation facilities and access to other support workers as necessary.

- 13.3 We will complete an Equality Act justification for each case where we are considering legal action.

14. Publicising the Policy

- 14.1 Solon will publicise its policies and procedures on ASB to residents and staff in a number of ways:

- Tenancy Agreement
- Leaflets - Service Standards
- Residents Newsletters
- Solon Website
- Policy Briefings
- Training

- 14.2 We will publicise ASB cases where we feel it will have a positive effect (justifiable, proportionate and necessary). This may be via the use of newsletter, leaflets or local media.

15. Protection of Staff

- 15.1 Solon will not tolerate any verbal or physical abuse or threats towards our staff, agents or contractors. We will take strong action against anyone who is abusive; this could result in legal action.

16. Training

- 16.1 We are committed to ensuring staff have the confidence and knowledge to identify and investigate incidents and reports of ASB. All relevant staff will receive training on how to deal with ASB as part of their induction. Solon is a member of Resolve who provide regular updates on changes in legislation through government policy or as a result of case law. All relevant staff are informed of these changes so that the service provided is appropriate to the needs of our customers. Letter templates have been introduced as part of the ASB procedure to assist staff who will use them to provide a consistent service.

17. Resident Satisfaction

- 17.1 At Solon we value the service we provide and we are continually striving to improve performance. It is important that when we close a case of anti-social behaviour we need to know how the customer feels about the service they have received. We therefore send out a Satisfaction Survey to all complainants and we follow this up with a telephone survey if we do not receive the postal one back.
- 17.2 The levels of customer satisfaction are closely monitored and a report is provided to the Senior Management Team, Customer Services Improvement Committee and The Board.
- 17.3 Any survey's that are returned indicating dissatisfaction are reviewed by the Anti-Social Behaviour Officer and the Director of Housing Services in order to identify any learning outcomes. The Director of Housing Services will contact the complainant and discuss the case with the Officer dealing to establish whether everything that could have been done to resolve the complaint has been done.

18. Review of the ASB Policy

- 18.1 This policy will be reviewed at least every two years and updated to reflect any changes to corporate/customer requirements and targets; and the law.

Anti-Social Behaviour Policy January 2018.