

Antisocial Behaviour, Harassment & Hate Crime Policy GEN028



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Policy reviewed by: Ian Brooke		Date reviewed: June 2024
Board approval: September 2024		Date approved:
Next Review due: September 2028		Date issued:

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1. Introduction

Thame and District Housing Association (TDHA) has regular contact with residents, through routine safety checks, day-to-day repairs, and broader community engagement. This contact provides a range of natural opportunities to check in on residents. By making the most of these existing touchpoints, landlords can develop an effective, efficient way of gathering information about the condition of their properties, the needs of their residents and also to identify risks. This means TDHA are well placed to help to address a range of social harms. This approach is often termed Making Every Contact Count (MECC).

While there are wide range of social harms and it is not viable to cover them all in a single policy that can be understood and put into place by TDHAs employees, as such the policy focuses on the ones that are most likely to occur in our schemes. These are Antisocial Behaviour, Harassment and Hate Crime. The policy evaluates what each means for TDHA and how we respond to each. The policy has been developed in conjunction with the employee team to ensure it is understood and effectively put into practice.

Section 1 - Antisocial Behaviour

The Antisocial Behaviour, Crime and Policing Act 2014 defines antisocial behaviour as,

- 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 a person in relation to that person's occupation of residential premises
- c) Conduct capable of causing housing-related nuisance or annoyance to any person

ASB covers a wide range of behaviours which negatively impact the quality of an individual's life or that of a community. The list below gives examples of types of ASB. This list is not exhaustive.

- Actual or threatened violence or abuse towards any person
- Verbal abuse, intimidation, threatening behaviour, or loitering
- Stalking, harassment, hate crime and hate related incidents
- Domestic abuse
- Behaving in an antisocial manner e.g. shouting, screaming, swearing, making indecent/offensive gestures, loud music, misuse of communal areas
- Drunk or rowdy behaviour
- On-going neighbourhood nuisance - litter, rubbish, fly-tipping, inconsiderate parking
- Arson
- Drug use or dealing
- Assault
- Sexual offences

Things that we do not consider to be antisocial behaviour are:

- Minor disputes between neighbours
- One-off parties or celebrations
- Mowing of lawns or other garden maintenance at reasonable times
- Noise from domestic appliances at reasonable times
- Cooking smells

- Clash of lifestyles, including cultural differences
- Normal living sounds, closing doors, walking on stairs talking loudly and some DIY at reasonable times

Day to day noise is part of everyday life, and tolerance is needed when living in a community where people may lead differing lifestyles. It is important to remain reasonable, considerate, and mindful of one's neighbours. Excessive noise is unreasonable and can cause disturbance, especially if regular or prolonged or at unsociable times. We would urge residents to contact their Local Authority Environmental Health Team should they be concerned about a noise complaint if it is an ongoing issue. They have powers that can be utilised and can help reduce the noise. TDHA can support residents in this.

Residents are asked to be neighbourly and:

- Let their neighbours know if they are planning a party or social event.
- Try and keep the volume of the TV, radio, stereo etc at a reasonable level, asking their neighbours to let them know if they can hear it or if it is becoming a nuisance.
- Keep their property clean and tidy so as not to upset others living in nearby flats. Use bins, keep communal areas tidy, and report any repair problems to TDHA.

Often, talking with one's neighbour about their actions can help resolve a situation before it becomes more serious, and avoids potentially exacerbating the situation by engaging 'authorities'. We always encourage people to engage with each other as neighbours before the Association where possible. If this does not help, or a resident does not feel able to discuss it with their neighbour, TDHA staff are available to help.

TDHA will not tolerate ASB to or from our residents and aims to investigate and deal fairly with any reported incidents of ASB which may involve or affect our residents. Our strategy aims to reduce nuisance and harassment to ensure our schemes are peaceful and safe places to live.

ASB is not just a housing management issue and TDHA aims to develop ways of working with other agencies in the areas in which we work. We are committed to information sharing protocols with the Police and local agencies and we may be required to share information with a third party under the Crime and Disorder Act 1998.

TDHA will treat all ASB and associated data in accordance with the General Data Protection Regulation (GDPR).

Section 2 – Harassment

Intimidation or harassment is a personalised form of antisocial behaviour, specifically aimed at particular individuals, a deliberate attempt to cause distress, fear or harm to a person. It may be hate-related and typically involves repeated incidents. Harassment can range from verbal or physical abuse to attacks on property. Under the Protection from Harassment Act 1997 it can be a criminal or civil offence to harass. Under the Act a person must have experienced at least two incidents by the same person or group of people for it to be harassment.

Harassment includes any incident or act of intimidation that is perceived to be motivated by race, colour, nationality, ethnicity, disability, sexual orientation, age, gender, gender reassignment, religion/belief, or any aspect of the victim's life.

If the actions of the perpetrator are intentionally harmful, it is harassment. If any person (not just the potential victim) believes harassment has taken place, then it should be treated as such, in the first instance.

Harassment may not necessarily be face to face; it may, for example, be written or by phone or other means.

Harassment is considered a breach of the tenancy or lease agreement and is not accepted under any circumstances.

Harassment has been the subject of a number of pieces of legislation and has more than one legal definition. If someone is being harassed because of one of the following “protected characteristics” under the Equality Act 2010, this can be reported as a hate incident or crime:

- Gender-identity
- Disability
- Race
- Religion or belief
- Sexual orientation
- Learning difficulties

Section 3 - Hate Crime

Hate crime is defined by the Crown Prosecution Service (CPS) and police as “any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.”

There is no legal definition of hostility so the police and CPS use the everyday understanding of the word which includes ill-will, spite, contempt, prejudice, unfriendliness, antagonism, resentment and dislike.

It should be recognised that it is for the individual to decide whether they are subject to a hate incident and not the ‘offender’ concerned.

Incidents which could be hate crime should be referred to Thames Valley Police using their 101 service unless there is imminent danger in which case the 999 service should be used.

If a resident becomes a victim of hate crime this should be reported to TDHA as soon as possible and support will be provided to the victim as appropriate.

1. Obligations of Residents

Our tenancy agreements and leases set out what is required of our residents. All new tenants are issued with a handbook which states what action we will take if anyone causes a nuisance or harassment.

Individuals have a right to enjoy their homes and are entitled to go about their daily lives without having concerns that complaints will be made against them.

2. Support of Complainants

TDHA will investigate every report of ASB and keep the complainant informed of progress and action taken during the course of the investigation. If the matter proceeds to court action we will provide ongoing support where possible for all complainants whilst action is being taken.

If TDHA does not have the evidence or the power to resolve the situation, and are therefore unable to resolve the complaint, the complainant will be provided with advice or guidance.

3. Vulnerable parties

As an Association TDHA has an obligation towards those with vulnerabilities and takes particular care towards the vulnerable, whether the victim or alleged perpetrator of ASB. In some cases, it may be that the most appropriate response is to liaise with the perpetrator's support network to try and find more suitable accommodation with a higher level of care and/or supervision.

4. Prevention

Preventative action is key to an effective strategy.

When designing new schemes TDHA will work in partnership with the local Crime Prevention Officer, residents and relevant staff, and consult with residents on decisions concerning security improvements.

Dealing with lower levels of ASB at the outset of the problem can prevent problems escalating. TDHA will endeavour to tackle problems before they become more serious.

When new residents are signed up the conditions of the tenancy are explained in detail. The consequences of ASB and harassment are explained in the Residents' Handbook which is issued to all new tenants.

5. Training

Staff are given training on how to investigate and tackle nuisance effectively and are kept up to date on the latest initiatives and legislation.

6. Enforcement

Despite measures in place to prevent ASB and finding early resolutions to situations, as a last resort, TDHA will take enforcement action where appropriate.

TDHA encourages the reporting of incidents and offers support to witnesses.

TDHA will assess each situation and where appropriate seek legal advice to agree the most suitable legal remedy to tackle the situation, and in cases of serious or ongoing ASB may seek to repossess the property.

7. Reporting and Responding to Antisocial Behaviour

Anyone can report concerns about ASB to TDHA – victims, witnesses, staff, family members etc.

Reports of ASB can be made

- In person
- Via the Scheme Managers
- Via third parties
- By phone
- By email
- In writing

Reports of ASB will be treated confidentially in accordance with the Confidentiality and Data Protection Policy.

TDHA will try to maintain anonymity of complainants who do not wish for their identity to be disclosed to the alleged perpetrator, however this could mean that actions to address the matter may be limited. TDHA may not have control over the identification of a complainant if:

- The perpetrator guesses who the complainant is, or
- The complainant's identity is disclosed during the legal process

In response to ASB TDHA will:

Investigate

- Investigate all reports of ASB, obtain all relevant facts about the incident, time, date, place, identities of individuals involved, etc.
- Start investigations at the earliest possible time after receipt of the complaint and conduct it at a reasonable speed.
- Seek to identify and interview all interested parties.
- The process will not be ended until the nuisance is terminated, or agreement is reached between the parties involved.

Keep records

- Record the information about the incident and keep a copy on the resident's online file in line with GDPR.

Communicate

- Acknowledge quickly and formally any report of ASB. An initial acknowledgement may be made verbally, and followed up in writing.
- The complainant should be advised to keep a record of any further incidents and to report them to a Scheme Manager or to the office. Diary sheets may be issued for this purpose.
- TDHA will contact the complainant regularly while the complaint remains open with us.

Encourage reconciliation

- Where feasible, encourage complainants to resolve difficulties themselves.
- Where appropriate TDHA will consider offering the services of a professional mediation service to help overcome neighbour nuisance problems.

Take Action

- If the alleged perpetrator admits the ASB and they are a TDHA resident they should be issued with a written warning to be held on their resident's file, depending on the nature and seriousness of the incident.
- If there is still no improvement, eviction action will be considered. A decision to evict under these circumstances must be subject to a Court order and must be approved by the Board.
- If the alleged perpetrator denies responsibility a file note will be kept of the meeting held and the situation should be monitored to see if there are any further incidents involving the resident.
- The complainant should be kept informed of any interviews held and action taken, whether further action is being taken or not. In some circumstances it may not be possible to take any further action if the ASB cannot be proven, and the complainant must be advised of this.
- If an incident of a serious or illegal nature is reported, e.g. drug dealing or actual violence, the complainant must be encouraged to report the matter to the police, and where appropriate TDHA will report the matter.

Invoke legal remedies

- Where there is evidence of ongoing ASB by TDHA residents, action will be taken to enforce the terms of the tenancy agreement or lease, and where appropriate, legal action will be taken. This may include seeking an injunction and/or seeking possession of the property.

Engage in multi-agency working

- TDHA will work closely in partnership with the police, Environmental Health, Social Services, Local Authorities, Victim Support Groups and other relevant agencies to tackle ASB from or to our residents.
- Where residents are experiencing ASB from someone who is not a resident of the Association, TDHA will work with other organisations and the Police to try and resolve the problem as quickly and effectively as possible.

8. Complaints

- A report of antisocial behaviour is not automatically a complaint. However, dissatisfaction with how TDHA has handled the report will be dealt with under TDHA's Complaints Policy.
- Complaints will follow TDHA's two-stage process and the Housing Ombudsman's Complaint Handling Code. This will not delay any ongoing investigation, safeguarding action or enforcement.
- Residents may contact the Housing Ombudsman for advice at any stage and may refer the complaint after receiving TDHA's final response.

9. ASB Case Review

- The ASB Case Review, formerly known as the Community Trigger, allows victims of persistent antisocial behaviour to request a multi-agency review where they believe their reports have not been dealt with effectively.
- Eligibility is determined by the locally published threshold, which cannot be set higher than three qualifying reports within six months. Applications should be made through the relevant local authority. TDHA will cooperate fully with any review involving its residents or services.

10. Equality, diversity and inclusion

TDHA seeks to be a genuinely inclusive organisation, integrating equality, diversity and inclusion in all aspects of our day to day work, treating all our residents and stakeholders with dignity and respect. Evidence shows that people with protected characteristics such as race are more likely to be subject to ASB, harassment and hate crime. Our employees are continually trained to ensure TDHA are able to equitably respond.

11. Contact Information

For more information or to report a complaint about antisocial behaviour please contact the office at Pearce Court on 01844 212564, office@tdha.co.uk.

The Office
Pearce Court
Windmill Road
Thame, OX9 2DJ

12. Statutory and regulatory framework

This policy is informed by the following legislation and regulation:

- Housing Act 1985
- Housing Act 1988
- Housing Act 1996
- Antisocial Behaviour, Crime and Policing Act 2014
- Crime and Disorder Act 1998
- The General Data Protection Regulation
- Protection from Harassment Act 1997
- Equality Act 2010