

## Anti-Social Behaviour and Hate Crime Policy

### 1.0 Purpose of the Policy

- 1.1. This Anti-Social Behaviour (ASB) and Hate Crime Policy aims to set out what Falcon Housing Association C.I.C (FHA) approach to tackling ASB and hate crime and working with our tenants who experience either.
- 1.2. There is a legal framework that determines FHA's responsibilities as a landlord. This policy will also outline the approach in areas not determined by law.
- 1.3. Falcon Housing Association C.I.C (FHA) recognise the adverse effect of crime, ASB and hate crime on tenants, communities and assets. We will use various tools and powers that are available to us to prevent it happening, especially where it is affecting our tenants. We value diversity and recognise our duty to provide safe homes and sustainable communities and condemn all forms of discrimination and hate crime.
- 1.4. We recognise that our staff and contractors have a right to undertake their duties without fear of threats or intimidation. We take a zero-tolerance approach towards members of the public engaging in threats and intimidation of staff and contractors. This includes the use of social media and other forms of electronic communication to threaten, abuse, intimidate and harass staff.
- 1.5. We are committed to delivering services that are fair and transparent to our tenants.
- 1.6. We will ensure our staff are provided with guidance and training on how to deal with complaints of ASB and hate crime and we will ensure robust systems are in place to monitor the progress of reports of ASB and hate crime.
- 1.7. We will treat complaints of ASB and hate crime seriously and take prompt action to address issues. We will work in partnership with our tenants, the Police, Local Authorities and other agencies, where necessary, to ensure that this is achieved.
- 1.8. The aim of the policy is to show how FHA will:
  - Prevent/reduce incidents and reoccurrence of anti-social behaviour and hate crimes in properties where FHA are the landlord. This may include taking action against any person, who may or may not be an FHA tenant.

- Not tolerate any behaviour that is designed to threaten, intimidate, or abuse staff or contractors.
- Create a safe environment for tenants and/or care providers to report ASB and hate crime, as well as employees, contractors etc.
- Ensure that cases of ASB and hate crime are treated in a consistent and effective manner.
- Work in partnership with other agencies.
- Ensure that information is treated confidentially.
- Assist tenants and witnesses to obtain support.
- Promote fair and equal treatment for everyone.
- Ensure that FHA tackle ASB and hate crime as efficiently and effectively as possible using a variety of approaches. Early intervention and swift action are a key priority.
- Take a victim centred approach and ensure that appropriate support is provided to victims, witnesses and others as appropriate, at every stage of the case.
- Work with vulnerable tenants, both victims, perpetrators, and partner agencies to provide a holistic and appropriate response to deal with ASB and hate crime.
- Use legislation and other tools to assist in developing an effective approach in the prevention and management of ASB and hate crime.
- Assist perpetrators where possible to change their behaviour through access to relevant support and early intervention. Where necessary, FHA will take appropriate enforcement action against perpetrators.

## **2.0 Scope of the Policy**

2.1 This policy applies specifically where FHA provides a service to its customers and any additional service users within its accepted remit.

2.2 This policy applies to all paid and voluntary FHA staff and contractors.

2.3 Our aim is to tackle ASB and hate crime through the following measures:

- Prevention
- Tenant expectation and involvement
- Early intervention
- Partnership working
- Enforcement
- Support and rehabilitation

2.4 FHA seeks to have comprehensive policies and procedures in place that are

compliant with legislation and best practice yet remain flexible to the needs of tenants and their communities, employees and others as relevant. This policy reflects good practice and meets legal and regulatory requirements.

- 2.5 This policy sets out to ensure that all ASB and hate crime complaints which directly or indirectly affect our housing management functions are dealt with in a non-discriminatory way.

### **3.0 Definition**

- 3.1 ASB can cover a range of issues from inconsiderate behaviour to criminal behaviour. We define ASB as conduct that:

- causes or is likely to cause a nuisance or annoyance to anyone directly or indirectly as to interfere with the quiet enjoyment of their home or affects our housing management functions; or
- involves using or threatening to use our homes and neighbourhoods for an unlawful purpose.

- 3.2 We consider the following to be examples of ASB, these examples are not exhaustive or exclusive:

- Violence and threats of violence against people and/or property.
- Aggressive and/or threatening behaviour or language (including causing or committing any act of violence or any form of harassment, intimidation or abuse against any member of our staff or anyone authorised to act on behalf of FHA).
- Any type of hate behaviour that targets members of identified groups because of their perceived differences.
- Domestic violence or abuse (incident or pattern of incidents of controlling, coercive, threatening behaviour violence or abuse between those who are, or have been, intimate partners or family members regardless of gender).
- Intimidation and/or harassment.
- Alcohol related ASB.
- Drug related ASB, illegal substances being used or sold in the area.
- Using a property for illegal or unlawful purposes e.g. the production, storage and/or selling of illegal substances or the storage of stolen goods.
- Noise nuisance such as shouting, loud music etc.
- Problems caused by pets such as persistent dog barking etc.
- Litter, graffiti or dumping of rubbish i.e. fly tipping.
- Misuse of communal areas.
- Nuisance from vehicles including abandoned vehicles.
- Making false or malicious complaints about another person.

- 3.3 Occasionally customers report certain behaviours as “harassment or behaviour capable of causing a nuisance or annoyance” which may not be a nuisance as far as the law is concerned. FHA expects tenants to be tolerant of other people’s lifestyles and therefore cannot accept reports of behaviour that most people accept as a reasonable part of everyday life. We will not generally deal with reports of the following as complaints of ASB:
- Children playing.
  - A one-off incident of loud noise.
  - A one-off incident of a dog barking.
  - Noise complaints related to hearing footsteps from a property above.
  - Actions which amount to people being generally unpleasant to one another, including name-calling and disputes via social media such as Facebook, unless it amounts to harassment or a hate crime.
  - Parking issues.
- 3.4 Staff will exercise professional judgement when assessing whether a report of ASB meets our definition or not. Where the behaviour reported is not anti-social, we will provide tenants with self-help options where appropriate, including referrals to other agencies.
- 3.5 Hate crimes, as defined by the Equality Act, are any crimes that are perceived to be targeted at a person because of hostility or prejudice towards that person’s:
- Disability
  - Race or ethnicity
  - Religion or belief
  - Sexual orientation
  - Transgender identity
  - Age Discrimination
  - Alternative subculture (*characterised by a strong sense of collective identity and a set of group-specific values and tastes that typically centre on distinctive style/clothing, make-up, body art and music preferences*)
- 3.6 This can be committed against a person or a property, and can be expressed in many forms, and may include:
- Verbal abuse
  - Assault
  - Vandalism
  - Graffiti or offensive literature
  - Threatening behaviour
  - Disputes via social media

## **4.0 Legal Framework**

4.1 FHA has a duty of care to victims of ASB and hate crime and is required to meet regulatory and legislative guidance. FHA's policy complies with all relevant legislation.

4.2 FHA will keep up to date with changes in Government policies and guidelines and will review this policy and the service provided accordingly.

4.3 FHA's approach to dealing with nuisance and anti-social behaviour also meets the requirements of the Regulator of Social Housing's (RSH) Neighbourhood and Community Standard which requires that:

*"Registered providers shall work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes."*

4.4 We must operate within the framework created by legislation. This Policy has been written regarding relevant legislation which includes the following non-exhaustive list:

- Anti-social Behaviour, Crime and Policing Act 2014
- Equality Act 2010
- The Care Act 2014
- Crime and Disorder Act 1998, as amended 2002
- Housing Act 1996
- Housing Act 1988
- Housing and Regeneration Act 2008
- The Children's Act 1989 & 2004
- Anti-Social Behaviour Act 2003
- Crime and Security Act 2010
- Criminal Justice Act 2003
- Data Protection Act 2018 and subsequent Regulations
- Human Rights Act 1998
- The Charter for Social Housing Residents

## **5.0 Background and Context**

5.1 Under the Neighbourhood and Community Standard, registered providers are required to publish a policy on how they work with relevant partners to prevent and tackle ASB in areas where they own and manage properties.

- 5.2 To prevent and address ASB, registered providers shall demonstrate:
- That tenants are made aware of their responsibilities and rights in relation to ASB.
  - They will provide strong leadership, commitment and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies.
  - A strong focus on preventative measures that are tailored towards the needs of tenants and their households.
  - That prompt, appropriate and decisive action is taken to deal with ASB before it escalates, which focuses on resolving the problem, having regard to the full range of tools and legal powers available.
  - That all tenants and residents can easily report ASB, are kept informed about the status of their case where responsibility rests with the organisation and are appropriately signposted where it does not.
  - The level of support to victims and witnesses.

## **6.0 Policy Detail – Our Approach to tackling ASB and Hate Crime**

6.1 FHA is committed to preventing incidents of ASB occurring in the first instance and will use a range of preventative actions to achieve this. Where incidents have occurred, FHA recognise that early intervention is the key to avoid escalation. If necessary and appropriate, legal action will be taken resolve the situation.

6.2 In relation to Prevention and Early Intervention measures, FHA have the following in operation:

- Carry out pre-tenancy checks and house people appropriately.
- Tenancy agreements contain clauses which allow FHA to deal with unacceptable behaviour and clearly sets out the tenant's obligation not to carry out ASB and/or hate crime, and to be responsible for the behaviour of their family and visitors.
- Property Inspections are undertaken so that FHA are aware of, and can act on, unreported early problems.
- The sign-up process and house rules give a clear message on FHA expectations of tenant behaviour.
- Use of a wide range of tools including carrying out joint meetings with care/support teams, family members, warning interviews and using formal warnings.
- Adoption of a multi-partnership approach when dealing with cases working with partner agencies such as Police, Probation, Social Services, Care Providers, Support Team, and other landlords

- Work with partner agencies to ensure appropriate packages of support are available to help perpetrators address their behaviour, and to support those affected by unacceptable behaviour
- Where specific vulnerabilities are identified in a case, FHA will endeavour to provide a tailored approach to those suffering and those perpetrating.

6.3 FHA is eager to offer support and reassurance to all victims and witnesses of ASB and hate crime. FHA will agree clear actions with them on how the case will be tackled.

FHA will:

- Provide a variety of methods to report incidents of ASB and hate crime including telephone, face to face, third party, email, and via the [website](#).
- Ensure that a risk assessment of complainants is completed where appropriate during the initial investigation, assessing any vulnerabilities and safeguarding issues. Safeguarding issues identified will be dealt with as per the Safeguarding processes.
- Provide access to translation/interpretation in appropriate languages. Documents will be produced in large print, Braille or audio format where required.
- Ensure each report of ASB and hate crime is investigated. A plan of action will be agreed with every complainant and any witnesses, however there may be cases where it is not appropriate (e.g. anonymous reports, or where the reporter does not want to be engaged with the process).
- Ensure that evidence collected is in the most appropriate and effective manner, offering a range of methods e.g. diary sheets in appropriate community languages or recorded evidence or picture/videos. If necessary and where proportionate; FHA will seek the use of professional witnesses or CCTV.
- Consider the need for additional security and target hardening measures as appropriate.
- Ensure that witnesses and victims are kept informed at all stages of the investigation and ensure that FHA work with other relevant agencies e.g. care providers, families, victim support, and advocacy services for support before and after any court appearances.
- In extreme cases where there is a significant risk of harm that cannot be addressed by other interventions, FHA will work, alongside the care provider and support team to consider alternative rehousing options.

## **7.0 Hate Incidents and Hate Crime**

- 7.1 FHA take a zero-tolerance approach to all forms of hate crime and will handle the investigation of incidents robustly.
- 7.2 Where appropriate, we will work in partnership with other agencies on incidents of hate crime.
- 7.3 Dealing with hate incidents and hate crime is part of our commitment to promote equality and diversity and tackle ASB. Hate incidents and hate crimes stem from prejudice against others based on views about people's differences. They are, therefore, contrary to our principle of diversity where differences are respected and valued.
- 7.4 FHA will investigate all hate incidents and hate crimes. If an incident of ASB is perceived by a tenant to be motivated by hate, then it will be investigated as such. The apparent lack of motivation as to the cause of a crime or an incident is not relevant, as it is the perception of the person affected that matters.
- 7.5 As part of our multi-agency approach in dealing with hate crime and ASB we will, where appropriate, report hate incidents and hate crime to the Police. This could be for recording purposes or action, depending on the customers' wishes.

## **8.0 Process**

- 8.1 Instances of ASB and hate crime will be dealt with by the Housing Officer who will review and take action accordingly.
- 8.2 Upon receiving an ASB and/or hate crime case the Housing Officer will complete an investigation by contacting as relevant the victim, perpetrator, care provider and any other relevant individuals involved. The Housing Officer will also review any other relevant evidence such as CCTV.
- 8.3 The standards for acknowledgement and investigation of ASB and/or hate crime complaints are:
  - High Priority – 1 working day for initial acknowledgement and follow up by Housing Officer
  - All others – 2 working days for initial acknowledgement and 5 days for follow up by the Housing Officer. Acknowledging a case may be either sending an acknowledgment letter/email or telephoning the complainant, depending upon which is most appropriate.



8.4 FHA will only take action if, following investigation, they are satisfied that the evidence gathered can demonstrate that an individual or individuals have acted in an anti-social manner.

## **9.0 Action and Enforcement**

9.1 FHA may choose to introduce remedies which can be either legal or non-legal.

9.2 Non-legal remedies include:

- Warnings for breaches of tenancy – Housing Officers to follow the Unacceptable Behaviour Warning Letter process.
- Multi-agency working – Case conferencing and holistic joined up working.
- Mediation – FHA may use external mediation organisations to help resolve disputes between neighbours, with the consent of all parties.
- Restorative Justice

9.3 FHA recognises that dealing with ASB and hate crime is not the sole responsibility of any single entity. FHA will work closely with relevant Local Authorities and other relevant agencies and will share information with appropriate partners.

9.4 FHA recognises that there will inevitably be cases where conciliation, mediation and working with other partners/agencies may not be successful, and that in such circumstances where there is sufficient evidence, legal action may be taken. Most cases do not require legal action. FHA can only consider applying to court if there is confidence that the strength of the evidence is such that a court is likely to agree to the request.

9.5 FHA will decide what action to take having considered the circumstances of each case, and whether the proposed action would be proportionate to the behaviour taking place. Legal action may involve either a Section 8 or Section 21 notice.

## **10.0 Dealing with Vulnerable Perpetrators and Victims**

10.1 FHA is a registered provider of specialist supported housing to vulnerable adults with complex needs that require additional support.

10.2 Where a perpetrator of ASB and/or hate crime has such a vulnerability, FHA will ensure that they have access to support to help address any unacceptable behaviour. This may include liaising with relevant professional organisations or additional support being provided in-house.

10.3 On occasion, and where appropriate, FHA may seek advice from independent professionals including medical, mental health and fire safety.

## **11.0 Safeguarding**

- 11.1 FHA has a separate Safeguarding Policy that will be followed if any safeguarding concerns are raised when dealing with reports of ASB and hate crime.
- 11.2 The safeguarding of children and vulnerable adults is everyone's responsibility; this includes all employees, board members, contractors and other relevant stakeholders. We recognise therefore that these groups must have an awareness and understanding of safeguarding issues and that they are able to report any suspicions or concerns they may have and understand the procedures which must be followed. The Safeguarding Policy sets out how this will take place.

## **12.0 ASB towards Staff**

- 12.1 We have a responsibility to all our staff, contractors and other relevant stakeholders which allows them to work in an environment that is safe, secure and free from fear of violence and threats of violence or abuse.
- 12.2 When identifying a person or property that may present a risk, we endeavour to ensure the appropriate steps are taken to help us manage potentially sensitive or dangerous issues.
- 12.3 Any reported concerns in relation to staff protection will be considered by our team in line with this policy.

## **13.0 Reporting and Categorising ASB and Hate Crime**

- 13.1 We encourage our tenants and people visiting and working in our properties and communities to report ASB and hate crime to FHA. We provide a range of ways to report these activities:
- [Website](#)
  - Face to Face
  - Email
  - In writing
  - Telephone
- 13.2 All reports of ASB and hate crime are logged onto our housing management system and allocated a Red, Amber or Green status based on information provided at the time of notification.

## **14.0 Responsibilities under this Policy**

- 14.1 Responsibility for the execution of this policy rests with all staff and contractors

working on behalf of FHA, whether that work is paid or voluntary. Responsibilities include the reporting of and/or the management of any incidents.

14.2 If any member of staff has any concerns about the safety or wellbeing of a child and/or adult at risk, they must immediately follow the FHA Safeguarding Procedure.

14.3 Failure to comply with these obligations may result in disciplinary action in accordance with FHA Disciplinary Procedure.

## **15.0 Risk Management**

15.1 ASB and hate crime is a key responsibility for housing, care and support providers. FHA will seek to mitigate business risk through this policy.

15.2 The risk here is not just risk to the business – the first and most crucial risk is to tenants. Where it is practicably possible FHA will always try and safeguard children and adults at risk who live in our properties or receive our services.

15.3 We will ensure FHA is compliant with the standards for tackling ASB and hate crime in line with legislative requirements.

## **16.0 Data Protection, Record Storage and Retention**

16.1 As a registered provider, FHA have a duty to share information with relevant agencies as set out by the Crime and Disorder Act 1998.

16.2 FHA recognises that confidentiality is important to tenants and will treat all information relevant to each tenant in the strictest confidence, as will all contractors, under the Data Protection Act 2018, including the General Data Protection Regulations (GDPR). FHA's Data Protection Policy will also be adhered to in following this policy.

## **17.0 Equality and Diversity**

17.1 FHA recognises that all children and adults at risk, without exception, have the right to protection from abuse.

17.2 This policy complies with the Equalities Act 2010 to ensure equality of treatment for all tenants without discrimination or prejudice.

17.3 FHA will ensure that the maximum information in relation to the tenant and the property is available and is used by both its employees and contractors to enable the service to be delivered sensitively to FHA tenants. All protected characteristics (as defined within the Equality Act 2010) will be considered.

17.4 On request, FHA will provide translations of all its documents, policies and procedures in various languages and other formats such as large print, Braille etc. These can be arranged by contacting any member of the FHA team.

## **18.0 Monitoring and Review**

18.1 FHA will work with all relevant partners in order to progress casework to a satisfactory conclusion. Accurate records will be kept of all ASB and hate crime cases.

18.2 FHA will close an ASB / hate crime case when (this list is not exhaustive):

- The problem has been resolved.
- There is insufficient evidence to proceed.
- The evidence does not warrant action.
- The witness does not respond to FHA or withdraws their complaint.
- The decision to close the case will be made by the Housing Officer in partnership with all concerned parties.

## **19.0 Performance Management of this Policy**

19.1 We will use the following non-exhaustive list to measure and monitor performance:

- The volume of cases opened and closed and types of cases.
- The length of time it takes us to resolve a case.
- Number of cases resolved and unresolved.
- Number of complaints relating to ASB, relative to the size of the landlord.
- Response times in cases having regard to the seriousness of the ASB.
- Satisfaction with how we have handled the case improving the service that is provided by continuously reviewing feedback.
- Identify and consider any emerging trends.

## 20.0 Monitoring the policy

20.1 This policy will be reviewed periodically every two years, or sooner in the event of any relevant legislation regulation or operational changes.

This policy will be reviewed every 2 years or following changes to regulations and guidance or organisational learning.			This policy will be reviewed by Property Asset Manager.	
Version Control				
Version	Date document created and approved	Previous review date	Next review date	Owner
V1	July 2018	N/A	July 2020	Sharon Scollen
V2	July 2020	January 2018	July 2023	Sharon Scollen
V3	December 2023	July 2020	30 November 2026	Lesley Earnshaw
V4	September 2024	December 2023	September 2026	Zoe Hartley
Amendments				
Date: September 2024				
Amendment: Added Hate Crime into ASB Policy				