

Anti-Social Behaviour, Hate Crime and Hate Incidents Policy

Purpose and scope

The purpose of this policy is to set out how we will meet the Homes and Communities Agency 'Neighbourhood and Community standard' (the standard) in respect of anti-social behaviour (ASB).

The standard requires registered providers to publish a policy on how they work with relevant partners to prevent and tackle ASB in areas where they own properties.

We recognise the harmful impact ASB, hate crime and hate incidents have on our customers and the community. We are therefore committed to prevent and tackle incidents in our neighbourhoods regardless of occupancy type.

This policy outlines how Guinness employees will work with customers and relevant partners in order to deal with ASB effectively.

Definitions

Term	Description
Anti-social Behaviour	<p>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.</p> <p>The term 'ASB' will be used in this policy to cover hate crime and hate incidents, as well as general ASB, unless specific reference needs to be made to hate crime or hate incidents.</p>
Hate Crime	<p>Any action considered to be a criminal offence which the victim, or any other person, views as being caused by prejudice or hate because of their disability, age, marriage and civil partnership, pregnancy and maternity, sex, gender reassignment, race, religion or belief, or sexual orientation.</p> <p>Hate crimes can include:</p> <ul style="list-style-type: none"> • Assault • Criminal damage • Robbery • Sexual assault • Theft • Inciting others to commit hate crimes • Harassment.
Hate Incident	<p>Any non-criminal incident which is viewed by the victim as being caused by prejudice or hate because of their disability, gender identity, race, religion or belief, or sexual orientation.</p> <p>Hate incidents can include:</p> <ul style="list-style-type: none"> • Verbal abuse or insults • Isolation and exclusion • Abusive phone calls or text messages/hate mail • Online abuse • Distributing discriminatory literature • Bullying or intimidation • Damage to home, pets, vehicle, etc.

Policy statement

1. We will not tolerate ASB caused by, or affecting our customers. We will work with our customers to resolve ASB. This may involve taking action to stop the ASB. We will also take action to prevent ASB from occurring in the areas where ASB is a major problem. We will do this to minimise the frequency and impact of ASB in our neighbourhoods. We will make sure that strong, responsible leadership is provided in order to achieve this.
2. We will give our customers many different ways to report ASB. This includes by telephone, by email, via our website, by letter, or in person. Customers can also report emergency incidents outside of office hours and the details will be passed on to a Guinness employee the next working day.
3. We will record, monitor and assess ASB reports and actions taken. We will take customer feedback into account in order to improve and develop the service.
4. We will deal with all cases of ASB in accordance with The Guinness Partnership's Diversity & Inclusion Policy.

New incidents

5. We will investigate ASB reports as soon as possible, providing a quicker response to serious incidents. We will work with relevant partners, e.g. Local Authorities, the Police and voluntary agencies where appropriate to help us achieve this.
6. We will attempt to solve ASB as soon as possible. We will work with our customers to do so and with relevant partners when this will be helpful to resolve the issues.
7. We will encourage our customers to solve disputes with other customers safely and respectfully whenever possible. We will make customers aware of their responsibilities and rights in relation to ASB under the terms of their tenancy to help them achieve this.

Providing support

8. We will concentrate on the victim when dealing with ASB reports and work with relevant partners, e.g. Adult Social Services, to make sure the victim and their families are safe. We will provide support to victims and witnesses where support is required. We will provide details of organisations who are able to provide support if specialist support is needed.
9. We will identify vulnerable customers who have reported ASB. We will identify if they are at risk of abuse or neglect. We will take action in line with The Guinness Partnership's Safeguarding Policy if we believe they are at risk.
10. We will keep customers informed about action being taken and the next steps we will take if the ASB is not solved.

Police involvement

11. We will encourage victims to report ASB incidents to the police.
12. We will report potential or actual hate crime incidents witnessed by our employees or our contractors to the police immediately.
13. We will report hate incidents or hate crime towards our employees or contractors to the police immediately.

Taking action

14. We will help customers behaving in an anti-social way to keep their tenancies by balancing ASB prevention work and taking action against them.
15. We will take fair, reasonable and proportionate action to tackle ASB. This will be based on the severity of the offence and how long it has been a problem.
16. We recognise that mediation can help reduce and resolve ASB issues. We will use mediation wherever it is appropriate to do so. We will use it at an early stage in order to try and solve the ASB before it gets worse. We will use a specialist external company to provide this service. We will provide this service at no cost to our customers.
17. We will use a number of different tools, including legal action, to reduce ASB in our neighbourhoods if mediation is not suitable. We will only consider using legal action if stronger action is needed. We will decide which tool to use on a case by case basis. The decision will depend on the severity of the ASB and how long it has been a problem. The tools we will use include but are not limited to: Acceptable Behaviour Contracts, civil injunctions and possession action.
18. We will make selective use of the absolute ground for possession where the conditions listed in the ASB Crime and Policing Act 2014 are met, and where in our opinion, its use is justified by the circumstances of the case. We will carefully consider each case on its own merits. Tenants who receive a notice seeking possession from us using this absolute ground have the right to an independent review of the decision.

Preventing anti-social behaviour

19. We will arrange information sharing agreements with relevant partners such as the Police in line with the Data Protection Act 1998. We will use these agreements to help us prevent or resolve ASB issues.
20. We will, where necessary, make referrals to relevant partners, e.g. Community Safety Partnerships, to try and find out the underlying cause of ASB. We will consider doing this if ASB is a major problem in an area.
21. We will, where necessary, attempt to prevent ASB from happening in areas where it has been a major problem. We will do this by working on ASB prevention schemes based on the specific needs of customers and their families. We will work with relevant partners to achieve this.

Monitoring the policy

We monitor policies to ensure they deliver the expected outcomes. Service standards, key performance indicators, audits and customer satisfaction surveys are typical of the monitoring systems in use but this will vary from time to time.

Period of review

We will review this policy when a business need arises. Our review programme is driven by service improvement initiatives, changes to legislation, regulation, practice, or as a result of feedback from key stakeholders. Typically we review policies on a three yearly cycle.

Key legal and regulatory references

- Protection from Harassment Act 1997
- Crime and Disorder Act 1998
- Data Protection Act 1998
- Human Rights Act 1998
- Freedom of Information Act 2000
- Criminal Justice Act 2003
- Equality Act 2010

- Regulatory Framework 2012
- ASB Crime and Policing Act 2014

Related Policies

- Diversity and Inclusion Policy
- Safeguarding Adults, Children and Young People Policy

Version number	2.4
Approved by	Executive team
Approval date	May 2017
Effective from	June 2017
Review date	May 2020
Equality analysis completed	April 2017
Policy author	Marion James, Housing Policy Manager
Policy owner	David Mayner, Head of Tenancy Enforcement

Policy Version Control Record

Methodology		
Version number	Review trigger	Brief description, reason for the main changes and person making the change
2.2	Anti-social Behaviour Crime and Policing Act 2014	<p>Anti-social Behaviour Crime and Policing Act 2014 introduced the new absolute ground for possession where ASB has been proven either through the courts or through the local authority for a serious offence.</p> <p>The amendment provides that Guinness will make use of this ground when it is appropriate to do so.</p>
2.3	Purpose and scope does not make reference to the HCA standard	HCA standard added to the "Purpose and scope". Clarified that there are many different ways a customer can report ASB. Clarified that we encourage customers to solve disputes safely and respectfully. Improved presentation and language to make it more customer friendly.
2.4	Numbering typo	Numbering typo – numbers 18 – 21 renumbered. Marion James, Housing Policy Manager