



**Pride. Quality. Integrity. Innovation.**



# Anti-Social Behaviour & Hate Crime Policy

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# Documentation Master Sheet

Amendments to this Document are Detailed Below

Version Number	Date Amended	Comments	Date Approved	Author	Approved By
01	30/10/18	Full rewrite	08/11/18	SB/BR	Tenant Panel
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## OVERALL AIM

Tackling Anti-Social Behaviour (ASB) is a priority at Gloucester City Homes (GCH) and is consistently a key priority for our tenants and leaseholders; we recognise that failure to tackle ASB effectively could substantially blight the quality of life for those people living with ASB and can damage our ability to develop sustainable communities.

## OUR MISSION, VALUES, VISION AND ETHOS

**Our Mission:** Building homes and communities where people can thrive

### Our Values:

<b>Pride</b>	Taking pride in everything we do
<b>Quality</b>	Continually improving by challenging, listening and learning
<b>Integrity</b>	Being fair, objective and accountable
<b>Innovation</b>	Creating opportunities to change and grow

**Our Vision:** Creating opportunities to make a difference

**Our Ethos:** Supporting Successful Communities

## SCOPE OF POLICY

GCH will investigate incidents of nuisance or anti-social behaviour directed towards our customers (including tenants, leaseholders and shared owners) their visitors or any others engaged in a lawful activity in the locality of our homes, including our colleagues, contractors and others acting on our behalf. This policy sets out:

1. Our commitment to tackling anti-social behaviour
2. Our overall approach in relation to anti-social behaviour
3. The methods we will use to tackle anti-social behaviour

We have a separate policy and procedure for Domestic Abuse

Our aim is to achieve a balance between:

- Prevention
- Support
- Enforcement

## DEFINITION

The Anti-Social Behaviour, Crime and Policing Act 2014 defines ASB 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

## LEGAL AND REGULATORY EXPECTATIONS

GCH policy and summary is to comply with section 218A of the Housing Act 1996 which places a duty on social landlords to publish anti-social behaviour policies and procedures

Other relevant legislation includes, but is not limited to:

- Housing Act 1996
- Civil Evidence Act 1995
- Crime and Disorder Act 1998
- Data Protection Act 1988
- Housing Act 1988
- Children's Act 1989
- Anti-social Behaviour Act 2003
- Equality Act 2010
- Anti-social Behaviour, Crime and Policing Act 2014

## HOW WE TACKLE ANTI SOCIAL BEHAVIOUR

We will investigate complaints of anti-social behaviour and hate crime and intervene as early as possible to avoid problems escalating. We will do this by:

1. Encouraging tenants to report incidents of anti-social behaviour to us and/or the appropriate statutory agency.
2. Providing complainants with the tools and guidance to resolve their own complaints, where possible.
3. Taking a victim centred approach, identifying those vulnerable individuals, communities and environments most at risk.

4. Working with our multi-agency partners to prevent and tackle incidents of anti-social behaviour, harassment and hate crime, recognising that prevention is better than cure.
5. Aiming, where possible, to resolve complaints of ASB through non-legal means encouraging community resolutions and restorative approaches.
6. Taking appropriate and proportionate action against perpetrators of anti-social behaviour including the use of legal remedies where necessary.
7. Explore support needs and make appropriate referrals for any vulnerable perpetrator as a means to modify and change behaviour.

#### **When you make a complaint of anti-social behaviour we will:**

- Take a victim centred approach offering confidential support and advice.
- Offer clear timescales and agree action plans and contact arrangements.
- We will review the action plan regularly to ensure that the complainant is kept up to date with the progress of the investigation. This action plan will agree what is expected of you, us and any other parties. You may be asked to keep a record of incidents and report them on a regular basis.

#### **Our Approach to Resolving Anti-Social Behaviour:**

- GCH investigate complaints that involve one of our tenants, this could be a tenant complaining about another tenant, leaseholder, owner-occupier or private tenant. We also investigate complaints made by leaseholders, owner-occupiers, private tenants about one of our tenants causing a nuisance within the vicinity of their GCH home.
- Any calls about one of our tenants causing a nuisance outside of the vicinity of their home affecting an owner-occupier, private tenant or open space will be directed to Project Solace at Gloucester City Council.
- We will investigate complaints if anti-social behaviour is being caused by a visitor to a tenant's property. Action can be taken against the tenant if we believe they knowingly permit a family member or visitor to cause a nuisance whilst visiting or residing at their property or do nothing to prevent further incidents.
- We will investigate anonymous complaints as far as we can; however we will not be able to provide feedback to the complainant or gain further information. Therefore this will limit the amount of action we are able to take.
- When we receive a complaint of anti-social behaviour our officers will consider any Safeguarding matters and will make appropriate referrals without consent or knowledge of any parties if we believe the appropriate thresholds have been met.
- As a means to resolve anti-social behaviour we **will not** move either the perpetrator or the complainant (except where there is exceptional circumstances), we will work with all parties to resolve the nuisance behaviour. We work closely

with Gloucester City Council on the allocation of properties as we recognise that some properties will need to be let sensitively.

- GCH works in partnership with other agencies to prevent and resolve nuisance behaviour. We will refer people to these services if needed.
- Noise Nuisance complaints will be signposted to the Environmental Protection service at Gloucester City Council for further investigation. Should noise nuisance be proven they will take appropriate action against the perpetrator and refer cases back to GCH for further tenancy enforcement actions. They may request further information from the complainant to progress the investigation.

## PREVENTION OF ASB

Prevention is an integral part of our approach to anti-social behaviour. We utilise a range of initiatives in appropriate cases which are designed to prevent anti-social behaviour from occurring using a mix of education, engagement, communication and support. The initiatives we use or can access in appropriate cases include:

- Mediation and youth mediation services
- Restorative Approaches
- Diversionary activities in conjunction with our partners
- Use of Voluntary Agreements such as Good Neighbour & Acceptable Behaviour Contracts
- Designing out crime ('safer by design' principles for new build)
- Agreeing local lettings arrangements or sensitive lettings
- Tenancy support schemes
- Multi-agency partnerships
- Education and raising awareness

## TOOLS FOR TACKLING ASB AND TENANCY ENFORCEMENT

We use various legal and non-legal tools in tackling anti-social behaviour including making referrals for mediation between parties to resolve the situation amicably. Mediation requires consent from both parties and a willingness to resolve the dispute.

We may also, where appropriate, make referrals for Restorative Justice (RJ). RJ requires consent from both parties and admittance or guilt from the alleged perpetrator or other party in an aim to facilitate move on after an incident or crime has taken place. We strongly encourage the use of RJ as a means for resolution.

Where we determine mediation or restorative solutions to be most effective, and this offer is not taken up, this will be considered as a grounds for closing an active case.

In some situations, non-legal means will not be possible and legal action may be taken to protect our tenants, leaseholders and communities from those causing anti-social behaviour.

We will use a number of different tools, including legal action, to reduce ASB in our Neighbourhoods if mediation is not suitable.

If the perpetrator is a Gloucester City Homes tenant and causes damage to any GCH property as a result of anti-social behaviour they will be recharged for the damage. We may also consider legal action in addition to recharge.

We will only consider using legal action if it is deemed necessary. 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 (ABC's)
- Civil injunctions (including use of Youth Injunctions)
- Possession action

GCH may also work in partnership with Local Authorities and the Police (who have the authority under the ASB, Crime and Policing Act 2014) to seek Closure Notices/Orders and Community Protection Notices (CPN's).

We will balance the vulnerability of the perpetrator with the risks associated with their behaviour when considering formal enforcement.

Using the available tools to take accelerated possession action against Gloucester City Homes tenants on Starter Tenancies or Licence Agreements where there is cause to do so.

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 use **Ground 7A** of the Act which allows us to apply for Mandatory Grounds of Possession. 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 internal appeal of the decision as required under the Act.

Possession Proceedings may also be sought on:

#### **Ground 12**

The tenant has breached their part of the tenancy agreement

#### **Ground 14**

The tenant or a person living with him/her or visiting him/her has caused or is likely to cause a nuisance or annoyance to neighbours or their neighbours, guests or visitors to the area. Or the tenant has been convicted of using the property for immoral or illegal purposes or has been convicted for an arrestable offence committed in the area

GCH Assured Tenancy Agreement stipulates:

#### **1.1 Disorder, nuisance, anti-social behaviour, abuse and harassment**

You, members of your household (including children) and visitors must not:

- 1.1.1 Cause, or allow, or fail to prevent, or encourage any other person residing in or visiting your home, to cause a nuisance, annoyance or disturbance to any other person.
- 1.1.2 Harass or threaten to harass, allow or fail to prevent, or encourage any other person residing in or visiting your home to harass any other person.
- 1.1.3 use, allow or encourage your home to be used for any illegal or immoral purpose;
- 1.1.4 be convicted of an arrestable offence committed in your home or the locality of your home;
- 1.1.5 Damage, deface or put graffiti on our property. You will have to pay for any repairs or replacements;
- 1.1.6 interfere with security and safety equipment in common parts or shared areas including jamming the doors to keep them open and letting strangers in the property without identification;
- 1.1.7 keep illegal or unlicensed firearms or weapons at your home; discharge a firearm (including any air weapons) in your home, any communal or shared spaces and/or any land belonging to us;
- 1.1.8 steal, damage or remove any part of the building, fixtures, fittings or any other property belonging to us, our contractors or agents;
- 1.1.9 carry out any major or commercial vehicle repairs or any vehicle repair likely to cause a nuisance on or near your home, or on our land;
- 1.1.10 allow or fail to prevent, or encourage any other person residing in or visiting your home to abuse, assault, threaten, harass or obstruct our employees or their families, contractors, agents or Board Members in person, by telephone, in writing or in any other way while they are carrying out their job, whether at your home or elsewhere (e.g. our Offices);
- 1.1.11 Inflict domestic violence or threaten violence against any other person (this could include tenants or family members living in your home or tenants in another property), including elder abuse and child abuse. You must not harass, use coercive, controlling or threatening behaviour; or use mental, psychological, financial, emotional or sexual abuse to make anyone who lives with you such that they can no longer live peacefully in the property or leaves your home.
- 1.1.12 Keep any animal which has been classed as dangerous under the Dangerous Wild Animals Act 1976 or under the Dangerous Dogs Act 1991.

Other people can include persons residing, visiting, working or otherwise engaging in lawful activity in the locality or any agent, employee or contractor of ours whether in the locality or elsewhere (e.g. at our offices).

## PROCESS

### **Complainants and Witnesses (regardless of tenure)**

It is important that all witnesses and complainants understand the importance of working with our staff to resolve issues of ASB. This includes:

- Responding to calls and /or letters
- Providing information required
- Providing written statements to support legal action
- Attending Court to give evidence where necessary
- Engaging with suggested methods of resolution
- All complainants have a responsibility not to make malicious complaints about their neighbours, visitors or anyone engaged in lawful activity around their property.

We take malicious complaining very seriously and will take action that is appropriate and proportionate against anyone found to be doing so.

Failure to work with us may lead to the case being closed due to lack of contact with the complainant

## WITNESSES IN COURT

Where witnesses are required to provide evidence in Court, GCH will ensure that they feel supported through the process. We will explain what can be expected when attending Court and will arrange a pre-court visit when necessary.

Consideration will be given to the following when attending Court:

- Transport to and from Court
- Refreshments and Lunch (for all day hearings)
- An escort during the hearing (this will usually be the ASB Officer or Victim Support Officer)
- Compensation for loss of earnings
- Support throughout the Court process

We may direct witnesses towards supplementary support agencies such as Victim Support.

## CLOSING CASES

GCH will close cases when the anti-social behaviour has been resolved or if the complainant fails to provide us information or make contact with us.

If we are satisfied we have taken every reasonable and proportionate step to resolve the anti-social behaviour we will close the case, even if the complainant does not want us to. We will explain the reasons why we have closed the case and may provide alternative advice.

When a complaint of anti-social behaviour is made we shall make reasonable attempts to contact the complainant to discuss the case further. We will also contact them through various stages of the investigation to update them on the case.

Only when we have made several attempts to contact complainants by appropriate means, will we decide to close the case if no response is received.

We will regularly review cases to prevent them from being left open indefinitely.

### **Performance monitoring and continuous improvement**

A sample of anti-social behaviour cases are routinely and randomly audited by the ASB Management Team and cases are checked routinely to ensure compliance of policy and guidance.

From time to time the ASB service will be subject to internal and external audits where a proportion of cases will be reviewed.

In addition to this we review all feedback received from our customers, from satisfaction surveys and complaints in order to learn and continuously improve the service we provide.

## TENANCY SUSTAINMENT, SUPPORT & PARTNERSHIP

GCH is committed to promoting tenancy sustainment and to supporting sustainable communities.

A person may be considered vulnerable for many reasons, including but not limited to; age, alcohol or drug dependencies, disability (as defined by the Equalities Act 2010) or mental health issues.

Tenancy sustainment refers to a customer's ability to successfully manage a tenancy independently or with tailored support. In terms of tenancy compliance an applicant would need to demonstrate a clear understanding of their responsibilities under the tenancy agreement.

Where we identify that a customer is in need of support, we will incorporate an action plan and support package identifying the specific support needs and make referrals to

the relevant organisation/provider and ensure that we have review mechanisms in place for the support plan in partnership with this organisation/provider.

GCH understands the importance of supporting tenants to maintain their tenancy, as part of this we will aim to identify and support vulnerable tenants where possible.

We can and will coordinate multi-agency meetings and share information without the consent or knowledge of any involved party where we believe it is necessary and proportionate to do in line with the General Data Protection Regulation 2018 and the Crime and Disorder Act 1998.

## **HATE CRIME AND INCIDENTS (INCLUDING RACIAL HARRASSMENT & HOMOPHOBIA)**

Gloucester City Homes take all hate crime incidents in any form against any member of our Community, including our staff and contractors and associated agents, extremely seriously and will deal with all complaints in line with this policy.

There is a distinct difference between a hate incident and a hate crime.

### **A hate incident is defined as:**

'Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate.' -*Home Office & Association of Chief Police Officers (ACPO) 2005.*

### **A hate crime is defined as:**

'Any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or Hate crime.' – *Home Office & ACPO 2005.*

### **Gloucester City Homes identifies a racist incident as:**

*"Any incident which is perceived as racist by the victim or any other person."*  
(*Rec. 12 of Stephen Lawrence enquiry McPherson report 1999*)

It is a hate incident or crime if the **victim or anyone else** thinks it was motivated by hostility or prejudice based on one of the aspects below:

- Disability
- Gender Identity
- Race, Ethnicity or Nationality
- Religion, Faith or Belief
- Sexual Orientation

*Harassment* is not specifically defined by any one piece of legislation. It can include repeated attempts to impose unwanted communications and contacts upon a victim in a manner that could be expected to cause distress or fear in any reasonable person.

When a hate crime or incident is reported to us, we will sensitively investigate it thoroughly and will contact the complainant the same day to discuss the incident or the next working day if it is reported out of hours. After a thorough investigation of an incident it may become clear that the harassment is not motivated by prejudice or hate, but by using the complainant's perception we ensure that any prejudice or hate is fully considered throughout the investigation.

**We will also report (and work in partnership as appropriate) to Gloucestershire Hate Crime Reporting Line (third party reporting service); a line set up by The Gloucestershire Hate Crime and Incident Group for which Gloucester City Homes are part of. The group are made up of statutory and voluntary sector partners and are committed to identifying and combating hate crimes and hate incidents.**

Where a hate crime or incident is reported to us we cannot always take enforcement action without evidence, nevertheless, all complainants and witnesses will be supported throughout the investigation and will be dealt with in a supportive, sensitive way. If you are feeling vulnerable in your home following a hate crime incident we will offer you target hardening measures as described in Supporting Witnesses.

We can also make referrals to appropriate support agencies (with your consent) to provide you with additional support.

Where there is offensive graffiti on a property as a result of a hate crime or incident we will remove it within one working day from being reported to us. We will also endeavour to respond to damage to a property within one working day where a hate crime or incident has occurred.

## **CONFIDENTIALITY, DATA PROTECTION AND INFORMATION SHARING**

Whilst we respect privacy and confidentiality and are mindful of our legal obligations under the Data Protection Act 2018, tackling anti-social behaviour requires robust information exchange between statutory and non-statutory agencies. We have agreed specific protocols for information sharing with Gloucestershire Police, Gloucestershire County Council and Gloucester City Council.

We will share information with other agencies where it is lawful to do in order to help us to detect and prevent anti-social behaviour and to protect our communities. The type of information which might be shared includes, but is not limited to:

- The nature and location of incidents of anti-social behaviour
- Personal information as to complainants and witnesses
- Details of relevant visits to the property by agencies including the police
- Convictions, cautions, reprimands, bail conditions, progress of criminal cases

Complainants may seek to provide information confidentially. This may be for a variety of reasons, for example because they are fearful of retaliation by the perpetrator if they

are identified. Our policy is to seek permission before disclosing the identity of complainants and witnesses to perpetrators, their legal representatives or other interested parties.

Where anonymous evidence may reveal the identity of the source of the statement we will discuss this with the maker of the statement. Information relating to complainants and perpetrators, regardless of anonymity, may have to be shared with other agencies for lawful purposes such as the purpose of preventing crime.

## **PUBLICITY**

It is important for our communities to see the successes of tackling anti-social behaviour, and therefore publicising successful results of both legal and non-legal actions is essential to building safer communities.

Therefore, we may publicise all positive legal and non-legal actions in GCH Tenant Times and the local media. From time to time we may also publicise positive actions within the housing sector, via professional magazines and publications. Our website may also be updated with cases where action has been taken to tackle and resolve anti-social behaviour.

If we seek any court enforcement orders we may produce information for all relevant parties, this will include details of the name and age of the perpetrator, together with a list of the prohibitions and the expiry date of the order.

## **ASB CASE REVIEW**

The ASB Case Review, also referred to as the Community Trigger, was introduced under the new ASB, Crime and Policing Act 2014.

If you feel that an anti-social behaviour (ASB) incident has not been dealt with effectively you can ask for a case review. The review is independently handled to ensure that your case has been handled fairly and reasonably.

We will direct you to further information on the ASB Case Review if requested.

## **RESPONSIBILITY**

The Assistant Director of Housing is responsible for the effective implementation of this policy.

## **CONSULTATION**

GCH will consult and review the ASB and Hate Crime Policy with Tenant Panel and link in with other relevant agencies in order to continually develop good practice in this policy area. We will attend any forums existing now or in the future to encourage joined

up working with Local Authorities/Police or any other agency either voluntary or statutory.

## **COMPLAINTS**

Any customer who is not satisfied with our approach in assessing and managing their ASB or Hate Crime case can lodge a complaint in writing.

If the customer is dissatisfied with actions and decisions made under this policy it will be dealt with under our Customer Complaints Policy.

## **REVIEW**

This policy will normally be reviewed every three years to ensure that it remains fit for purpose, reflects associated legislative changes and incorporates best practice.