

Antisocial Behaviour (ASB) & Hate Crime Policy

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Applies to:	<p>This document applies to all staff working for either Eastbourne Borough Council or Lewes District Council.</p> <p>It applies to all tenants and shared ownership residents living in general needs and retirement accommodation managed by Homes First.</p>
Responsible: (Executive Lead)	Gary Hall, Head of Homes First
Accountable: (Operational Lead)	Liz Martin, Neighbourhood Housing Lead
Consultation:	<p>Tenants and residents have been involved in the formulation of this policy through a survey consultation process and resident groups.</p> <p>Consultation has involved the Council's Legal Services, Neighbourhood Housing Team, Retirement Housing Team and Temporary Accommodation Team, TOLD and LET.</p>
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Table of Contents

1.0	Our Responsibilities.....	3
2.0	Scope	3
3.0	Our role as a social landlord	3
4.0	Our role as a statutory member of the Lewes and Eastbourne Community Safety Partnership	3
5.0	Our role in protecting the environment.....	3
6.0	What is antisocial behaviour?	3
6.1	What is Hate Crime?	4
6.2	Managing Domestic Abuse when linked to ASB?	4
7.0	Council's principles.....	5
7.1	No one should have to experience antisocial behaviour (ASB).....	5
7.2	Incidents of ASB will be treated seriously and dealt with professionally	5
7.3	ASB will be dealt with fairly and proportionately.....	6
7.4	Working with other agencies to deliver an effective, value for money service across the community..	6
7.5	Providing a high-quality service that meets people's identified needs.....	6
8.0	Protecting our Colleagues and/or contractors	6
9.0	Data Protection.....	6
10.0	Equalities Act 2010.....	7
11.0	Privacy Statement	7
12.0	Complaints	7
13.0	Monitoring and Accountability	7
14.0	Review	7

1.0 Our Responsibilities

LDC and EBC has a wide range of responsibilities, which arise from three distinct roles, in dealing with ASB and Hate Crime:

2.0 Scope

This policy describes *why* there is a role for Lewes District Council (LDC) and Eastbourne Borough Council (EBC) to deal with Antisocial Behaviour (ASB) and Hate Crime and is intended to fulfil the requirements of the Housing Act 1996 and Housing Act 1985 with regards to the publication of the policies and procedures of a local housing authority in relation to ASB and Hate Crime. It tells you what ASB and Hate Crime are and sets out the guiding principles for Homes First officers, being the team delivering housing management services, property services and homelessness on behalf of LDC and EBC, and therefore who deal with ASB and Hate Crime. It says what we want our services to achieve for people experiencing ASB and Hate Crime, and sets out the principles on the kind of service level and quality we aim to provide. This document does not say how we will deal with ASB and Hate Crime on a day-to-day basis; this is covered in our procedures document.

3.0 Our role as a social landlord

As a landlord, we have a duty, under the Antisocial Behaviour Act 2003 (Section 12 amends Part 8 of the Housing Act 1996 by inserting section 218A in response to ASB) to respond to ASB and Hate Crime affecting residents in the properties we manage, or others affected by the actions of our tenants. Our landlord duties and powers are different from, and usually act in addition to, the duties and powers we have to deal with ASB and Hate Crime in the wider community. In this document (and the Procedures document) we will make it clear when a policy or a power applies only to Council tenancies. We now have a range of powers to take action against those causing ASB and or Hate Crime under the Anti-social Behaviour, Crime and Policing Act 2014. We will use these powers where appropriate to tackle ASB and Hate Crime and to support the sustainment of tenancies

4.0 Our role as a statutory member of the Lewes and Eastbourne Community Safety Partnership

We will work with the police and other agencies to reduce crime and disorder (including antisocial and other behaviour adversely affecting the local environment) in Lewes and Eastbourne. In this role we play a key part in dealing with ASB and Hate Crime of all kinds and also undertake project and preventative work as part of each councils Community Safety Partnership

5.0 Our role in protecting the environment.

Lewes and Eastbourne Council have a range of responsibilities to deal with environmental ASB: examples include noise, graffiti, litter, fly tipping and abandoned cars. These responsibilities arise from a number of Acts and local byelaws, but in particular from the Environmental Protection Act 1990.

Whilst these three are distinct roles, there are very strong links between them and close working arrangements have been developed and continue between the teams that deliver the various services. However, the policies described in this document mainly concern our role as a social landlord and so tend to say more about the work of our Homes First Team. Environmental ASB is tackled by other teams within the Council, who work to their own set of policies and procedures.

6.0 What is antisocial behaviour?

Antisocial behaviour (ASB) is defined, under Section 2 (1) of the Antisocial Behaviour, Crime and Policing Act 2014 (ASBCPA), as conduct that has caused, or is likely to cause, harassment, alarm or distress to any person. This is the generally accepted term.

ASB is further defined, under ASBCPA, as follows:

- For the purposes of an application to the courts by a housing provider, local authority or the police for a civil injunction: “*conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises*”;
- For the purposes of the housing management functions of a housing provider or local authority: “*conduct capable of causing housing-related nuisance or annoyance to any person*”
- For the purposes of ASB case reviews (the Community trigger): “*behaviour causing harassment, alarm or distress to members or any member of the public*”.

The Council does not regard the following types of behaviours as ASB and therefore will not use enforcement powers against:

- Parking issues outside your home
- Disputes between neighbours, for example over boundaries or shared driveways
- Day-to-day noise, for example from washing machines, toilets flushing, vacuum cleaners.
- Neighbours’ gardening or lawn-mowing
- DIY or car repairs (unless they are being done late at night or as part of an illegitimate business)
- ball games, children playing in public or communal areas, or youths gathering socially (unless they are causing a nuisance)
- Barbecues, cooking smells, babies crying
- The hours people keep or other lifestyle differences.

We will work to manage residents’ expectations in regard to behaviour that is not deemed ASB. We will offer advice and guidance to encourage and enable them to deal with or manage the situation themselves.

6.1 What is Hate Crime?

The Council defines Hate Crime as any incident which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as be motivated by hostility, prejudice or hate. The prejudice or hate is based upon the actual or perceived race, colour, religion, national origin, sex, age, disability, or sexual orientation of an individual or group. Additionally, any hatred, bias or prejudice against an individual or group’s personal characteristic/s will be investigated as hate crime (for example, subculture groups such as Travellers, asylum seekers and migrants)

Reports of Hate crime will be dealt with as high-risk cases of ASB.

6.2 Managing Domestic Abuse when linked to ASB?

- We encourage the reporting of domestic abuse, hate crime and all other crimes to the police to ensure the immediate safety of the victim/survivor.
- Where an incident of domestic abuse is reported to Eastbourne Borough Council/Lewes District Council, we will refer to our Domestic Abuse Policy. We will encourage the victim to report this to the Police and other relevant agencies so that they can investigate. We will make safeguarding referrals to the Local Authority where appropriate.
- We may involve partner organisations that specialise in areas such as domestic abuse or hate crime. In these cases, we will continue to provide help and support to both victims and witnesses by remaining in regular contact with them, and signpost to specialist organisations where this is appropriate.
- We have a separate policy and guidance for domestic abuse, but recognise that some reports of noise nuisance, disturbances or ASB could be an indicator of potential domestic abuse or

safeguarding issues, e.g. complaints about arguments could be related to abuse. We will ensure that any potential indicators are actively considered as part of our ASB investigation and raise alerts in line with our domestic abuse and safeguarding policies and we will be sensitive to and consider this in our investigations.

- We will inform customers who have reported ASB that we have closed the case by discussing the closure with them and where we are unable to make contact a letter or email is sent to the customer advising of this. Where the report involves domestic abuse, we may choose to inform the reporting customer in another way without compromising the privacy/safety of the victim/survivor of the domestic abuse.

7.0 Council's principles

Our policy is based upon a number of principles:

7.1 No one should have to experience antisocial behaviour (ASB) and Hate Crime

- We will raise awareness of ASB and Hate Crime and encourage people to report.
- We will publicise and promote the various services we provide to combat ASB and Hate Crime.
- We will encourage people to report ASB and Hate Crime and make it possible for them to do this using a range of reporting methods.
- We will seek to respond to each report of ASB and Hate Crime as quickly as possible and, in any case, within our target (detailed in our procedure).
- We will support victims of ASB and Hate Crime to the extent that the seriousness of the matter requires.

7.2 Incidents of ASB and Hate Crime will be treated seriously and dealt with professionally

- We will assess (and periodically reassess) the seriousness of ASB reported to us and take action according to risk and target times.
- Incidents of Hate Crime will automatically be dealt with as high risk cases.
- We will treat all reports as confidential, sharing information only with other organisations that assist us throughout the management of a case (for example, the police and health care professionals) and observing data protection laws and information sharing agreements.
- We will ensure that any criminal ASB (including Hate Crime) reported to us is quickly passed on to the correct agency (the police); We will register each report of ASB we receive and give it a unique reference number.
- We will appoint a named officer to lead on and investigate the incident, where appropriate.
- We will explain our reasons, should we choose to take no further action on a report of ASB, and advise on self-help or other alternative courses of action whenever it is possible and appropriate to do this; We will continue to treat all reports as live until, in the opinion of the lead officer and the lead officer's manager, they can be closed, and the complainant notified.
- We will respond promptly to complaints about our service and advise anyone not satisfied with the way in which their report was handled as to how to make a formal complaint; and We will provide a mechanism for victims of ASB and Hate Crime to ask for a review of their case where they feel that either no action or inadequate action has taken place to tackle the reported problem, using the Community Trigger process. This process will instigate a review by the involved agencies of their multi-agency response to your reports. In order to start this process you need to have reported three separate incidents (within a month of

their occurrence) within the past six months to the police or the council (you must apply within six months of the latest incident). The details of how to instigate this process can be found on the Councils website.

7.3 ASB and Hate Crime will be dealt with fairly and proportionately

- We will deal with the most serious and high-risk reports of ASB and Hate Crime as a matter of urgency, especially where vulnerable people are involved, either as the complainant or the perpetrator.
- We will use all available and appropriate powers to address and resolve ASB and Hate Crime.
- We will, with the consent of the people involved, refer suitable cases to mediation.

7.4 Working with other agencies to deliver an effective, value for money service across the community

- We will play a full part as a key member of the Lewes and Eastbourne Community Safety Partnership.
- We will participate in permanent or ad-hoc multi-agency groups dealing with specific ASB and Hate Crime issues relating to Homes First Neighbourhoods (for example, problems involving street-based youth ASB); and
- We will work with agencies, such as Health, Probation, Youth Offending Service, Social Services, Education, Fire Service and other social housing providers in specific areas.
- We recognise a joint approach is an essential part in managing ASB and Hate Crime successfully and are committed to working in collaboration with our partner agencies.

7.5 Providing a high-quality service that meets people's identified needs

- We will ensure that staff dealing with ASB and Hate Crime are qualified and trained, and understand, and follow, agreed policies and procedures.
- We will continually review our complaints feedback relating to the ASB and Hate Crime service and use the information to drive service improvement.
- We will review this policy and the associated procedures every two years.
- We will seek to ensure that all our activities are prioritised and undertaken with regard to clear evidence of need, sound consideration of how effective the work undertaken is likely to be, and a clear understanding of the outcomes sought.
- The Councils use introductory tenancies (issued where tenants have not had a social tenancy previously). This tenancy is for a probationary period for the first 12 months. Introductory tenants have fewer rights than secure tenants. This enables us to closely monitor the tenancy over the first 12 months and engage with tenants early to sustain tenancies and avoid eviction where possible.

8.0 Protecting our Colleagues and/or contractors

- We will not tolerate abuse or threats towards our colleagues and/or contractors.
- We may take legal action against customers and/or other members of the community who assault, threaten to harm or who verbally abuse our internal or external colleagues and/or contractors.

9.0 Data Protection

- We will maintain appropriate records of ASB and Hate Crime, harassment and intimidation. All information is confidential and not released to a third party unless either agreed by the people concerned or under the terms of the data exchange/sharing protocols and agreements.

- We may publish case resolutions in the media where information has already been made available in the public domain. We may do this to encourage other witnesses and victims to come forward in other cases and also where it may act as a deterrent.

10.0 Equalities Act 2010

- Home First policies are developed in line with the Council's [Equality and Diversity policy](#) approach.
- An ASB Equality Impact Assessment will be used in all cases where we believe or it has been raised to us that a party could have a discrimination defence under the Equalities Act 2010. This is used to ensure that actions taken are proportionate and reasonable and do not discriminate against disadvantaged or vulnerable people.

11.0 Privacy Statement

Information about how the council uses your personal information and your rights can be found on the council's website under the 'Privacy Notices for our range of services' tab here.

12.0 Complaints

Tenants have the right of appeal against any decisions made. Appeals should be made to a senior manager.

All complaints about the service will be managed under the Council's [Complaints Policy](#).

13.0 Monitoring and Accountability

The Homes First management team will oversee the consistent and fair implementation of this policy and will consult with colleagues (e.g. compliance, Health and Safety, Equality and Diversity) to ensure timely and accurate updates of the policy. Performance information is provided to our involved tenant groups on a quarterly basis; Listening to Eastbourne Tenants (LET) and Tenants of Lewes District (TOLD).

We will measure our success by reviewing our satisfaction data. Satisfaction data will be collected using our tenant satisfaction measures which include the results of our tenant perception survey. We will also monitor the number of ASB cases relative to size of the landlord, reported as a number of ASB per 1,000 properties and ASB Cases that involve Hate Crime per 1,000 properties.

The results of the above will be published on our website and shared with customers through our engagement framework.

Tenants / households who submit dissatisfied reviews from the satisfaction survey will be contacted by the Anti-Social Behaviour Team Leader and improvements will be noted and put in place.

Internal case reviews will be carried out by the Anti-Social Behaviour Team Leader. Training will be delivered to employees of Homes First who are involved in dealing with ASB and Hate Crime cases, this might be internal training or delivered by an external provider and renewed when deemed necessary.

14.0 Review

We will carry out a fundamental review of this policy every three years or sooner, subject to legal, regulatory changes or if internal changes necessitate.