



Arawak Walton Housing Association

Anti Social Behaviour & Hate Crime Policy

Approved by	Board of Management
Date of Approval	10 th November 2021
Date issued to staff	12 th November 2021
E&D impact Assessed	Yes
Date of Next Review	November 2024
Policy Ownership	Housing Services Manager
Strategic Bridges	Maintain high customer satisfaction Wider role in community Excellent communication and culture
Legal Review	Yes
Version	1.0
Revision details	
Statement of Values	We rely on teamwork We value people and our roots We are open and accountable

1. Policy Statement

- 1.1. Arawak Walton Housing Association (AWHA) aims for all new and existing tenants to have a right to the quiet enjoyment of their homes without serious disturbance or suffering anti-social acts.
- 1.2. We recognise that in order to provide a quality housing service and create communities where people choose to live, we must effectively tackle not only the problems created by anti-social behaviour but also the causes.
- 1.3. We will not tolerate anti-social behavior and will make this absolutely clear to our tenants and to any person who is seeking a tenancy.
- 1.4. AWHA specialises in meeting the housing needs of black and minority ethnic communities in cohesive, multi-cultural sustainable communities, and we are committed to combatting racism, harassment and any form of Hate crime.
- 1.5. We are a registered third-party reporting centre for Hate crime and are committed to supporting those who suffer this form of anti-social behaviour, across all the protected characteristics of the Equality Act 2010. Special support will be offered when English is not a person's first language or when other forms of interpretation is needed such as British Sign Language (BSL) or Braille.
- 1.6. This Policy applies to tenants and members of their household, their family and visitors. The same principles also apply to members of staff and other people working on our behalf.

2. Aims

2.1. Wherever possible, Arawak Walton Housing Association will aim to:

- Take all steps to make sure tenants understand AWHA policy on anti-social behaviour and Hate crime
- Use a people centred approach in dealing with cases of anti-social behaviour
- assess the harm or potential for harm to be caused by anti-social behaviour
- take firm action against any person found to be responsible for anti-social behaviour
- provide appropriate training to staff to ensure they are able to deal effectively with anti-social behaviour cases
- work in partnership with other agencies and support organisations to help provide support for those involved in anti-social behaviour, to ensure the full range of criminal and civil remedies can be utilised and to deliver a joined-up approach
- meet all General Data Protection Regulation (GDPR) and confidentiality requirements, except where there is an overriding safeguarding concern or a duty to report criminal activity
- consult with the local community
- promote our Policy, raise awareness and publicise successful cases
- establish monitoring, evaluation and reporting systems and processes

3. Legal Context

3.1. The Association adopts the definitions of anti-social behaviour as outlined in the Anti-Social Behaviour, Crime and Policing Act 2014;

(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, or

(c) conduct capable of causing housing-related nuisance or annoyance to any person.

3.2. A Hate Crime is defined as:

'a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate'.

A Hate crime or Hate incident is based upon any of the following:

- race or ethnicity
- sexual orientation
- religion or belief
- disability
- transgender and gender identity

4. Definitions

4.1. Anti-social behaviour

Anti-social behaviour can mean different things to different people and may or may not include criminal activity. Anti-social behaviour can be caused by tenants and non-tenants and can affect both.

4.1.1. Examples of Anti-Social Behaviour include:

- Use or threatened use of violence
- A single instance of, or repeated abusive language or behaviour
- Harassment
- Damage to property
- Domestic abuse or violence
- Excessive, persistent noise

4.2. Hate crime

Hate crime has a separate definition to anti-social behaviour and comes with a heavier sentence, if proven. The police and the CPS have agreed the following definition for identifying and flagging hate crimes:

"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 we use the everyday understanding of the word which includes ill-will, spite, contempt, prejudice, unfriendliness, antagonism, resentment, and dislike.

The law recognises five types of hate crime based on:

- Race
- Religion
- Disability
- Sexual orientation
- Transgender identity

4.2.1. Examples of Hate crime include:

- Verbal abuse and/or physical assault based upon an individual's race or ethnicity, religion or belief, sexual orientation, transgender or gender identity or disability
- Incitement to hatred via behaviour which is threatening and intended to stir up hatred, whether in words, pictures, videos, music, or online posts
- Messages calling for violence against a specific person or group

4.2.2. It is for the individual to decide whether they are subject to a Hate incident and not the 'offender' concerned

4.3. The Association is committed to developing and supporting cohesive communities and expects a reasonable level of tolerance between neighbours and others within our communities. We aim to strengthen community capacity to resolve issues via advice and support, for example the use of mediation. Tenants are encouraged, where possible, to try to resolve their disputes themselves without the need for the Association to be involved.

4.4. Officers will seek to make a fair evaluation on whether complaints made are reasonable and are considered to constitute alleged anti-social behaviour. Examples of issues that will not normally be investigated as anti-social behaviour include:

- Actions that are considered to be normal everyday activities or household noise
- Children playing ball games, unless the children are also engaged in associated anti-social behaviour
- Reports related to people staring with no other associated anti-social behaviour
- Actions which amount to people being unpleasant to each other but are not sufficiently serious considering the likely harm caused to justify our involvement
- Cases of illegal drug use, production, or supply when there is no associated anti-social behaviour. Tenants will be advised to report such issues to Greater Manchester Police and Arawak Walton will then work with the Police with a view to taking tenancy enforcement action
- Environmental or other housing issues such as fly tipping, overcrowding and disrepair

- Parking disputes where there is no associated anti-social behaviour

4.5. Officers of the Association will exercise judgement in order to establish an appropriate response to such reports and this may include providing advice and/or signposting to other departments of the Association or to external agencies.

5. Monitoring & Reporting

5.1. The Housing Services Manager is responsible for ensuring that statistics on anti-social behaviour are collated and reported on an annual basis to the Board.

6. Related Policies

- 6.1. Safeguarding Adults & Children Policy
- 6.2. Tenancy Management Policy
- 6.3. Allocations & Lettings Policy
- 6.4. The Equality, Diversity and Inclusion Policy

7. The Equality, Diversity and Inclusion Policy

7.1. The reporting of Anti-Social Behaviour will be made available to all people. We will enable people to report by phone, email, through the web site and by visiting people in their homes with or without support. Where appropriate to the case the protected characteristics of the both the perpetrator and the victim will be logged and cases with an element of harassment will be escalated for more serious action.

8. Performance Monitoring

8.1. All formal Anti-Social Behaviour reports will be logged, and a report will be produced for the Board annually detailing:

- 8.1.1. The number of reports
- 8.1.2. The number of live and closed cases
- 8.1.3. The types of complaints being made
- 8.1.4. The methods used to resolve cases
- 8.1.5. Where appropriate to the case the protected characteristic data

EQUALITY IMPACT ASSESSMENT SCREENING FORM

This form should be used when a strategy/policy/procedure/process/project (SPPPP) has been identified as minimal/low impact.

This may be due to the fact that the overall strategy in an area of operation has already been fully Equality Impact Assessed (EIA). It may also be due to the type of SPPPP and because it has mainstreamed equality, diversity and inclusion.

Title of the Strategy/Policy/Procedure Process/Project (SPPPP) being assessed	Anti-Social Behaviour and Hate Crime Policy.	Lead Officer	Chief Executive.
Aims of the Strategy/Policy/Procedure Process/Project being assessed	To outline the Associations policy approach to Anti-Social Behaviour and Hate Crime.	Staff carrying out the EIA screening	Chris Root – External EDI Critical Friend completed this EIA screening.
Date of EIA screening	October 2021.	Why is the document being screened?	Part of on-going EIA timetable.
Date for next EIA	2024.	Was this screening process taken as an opportunity to update language and wording of policy?	YES.

This EIA screening process is undertaken by a group of staff and on occasion an internal or external equality and diversity champion/critical

friend, considering and discussing the Equality Act 2010 and its Protected Characteristics including: Race, Sex, Gender Reassignment, Disability, Sexual Orientation, Religion or Belief, Marriage or Civil Partner, Age and Pregnancy and Maternity explicitly.

THE EIA SCREENING OUTCOMES AND ACTIONS

Have actions arisen from the screening process	<p>YES.</p> <p>This Policy will be in line with equality legislation and Arawak Walton’s equality, diversity, and inclusion commitment and requirements if the following are undertaken.</p> <ol style="list-style-type: none"> 1. It is highly recommended that the Association has a separate policy on anti-social behaviour and hate crime as recommended in the Housing Ombudsman’s guide for landlords on what the service would expect to see included in an anti-social behaviour policy. (The guide is attached with the EIA for information) <p>Hate crime</p> <p>It is considered good practice to have a separate policy relating to hate crime. This can be a separate document or part of the anti-social behaviour document. This should reflect the fact that hate crime has a separate definition to anti-social behaviour and comes with a heavier sentence, if proven. It should also be recognised that it is for the individual to decide whether they are subject to a hate incident and not the ‘offender’ concerned.</p> <ol style="list-style-type: none"> 2. In 1.1. There is no mention of existing tenants, this may need to be included. 3. 1.5. Should read: We are a registered third-party reporting centre for HATE crime and are committed to supporting those who suffer this form of anti-social behaviour, across all the protected characteristics of the Equality Act 2010. Special support will be offered
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when English is not a person's first language or when other forms of interpretation are needed such as British Sign Language (BSL) or Braille.

4. In 2.1. the bullet points should start with - Take all steps to make sure tenants understand AWhA policy on anti-social behaviour and hate crime.
5. 4.4. - third bullet point needs to read: Reports related to people **starting** with no other associated anti-social behaviour.
6. 6.4. Should read: The Equality, Diversity and Inclusion Policy.
7. 7. Should read: The Equality, Diversity and Inclusion Policy.
8. As recommended in the Housing Ombudsman's guide for landlords on what the service would expect to see included in an anti-social behaviour policy. This policy needs to include a more detailed process for example:

It should specify the various actions that are available to a landlord for investigating and tackling anti-social behaviour, including the gathering of evidence. This could include:

- visiting the victim, providing support, signposting to agencies e.g. victim support
- interviewing alleged perpetrators
- installing noise monitoring equipment
- offering mediation
- issuing good neighbour agreements
- issuing diary sheets
- use of noise apps
- action plans
- management transfers
- warning letters
- enforcing the terms of a tenancy agreement or lease
- speaking to and obtaining reports from witnesses
- anonymous door knocking exercises
- adopting a multi-agency approach through involving such organisations as the Police, Environmental Health, Social Services, Local Authorities, Youth Offending Team, Victim Support etc where appropriate

The policy should also specify the actions a landlord can

take in more serious cases which could include:

- involving other agencies such as the Police or Environmental Health
 - applying to court for an eviction of the perpetrator if they are a tenant or leaseholder
 - applying to court for an injunction.
- 9.** This policy should set guidelines for circumstances when an anti-social behaviour case will be closed e.g. following no further reports of anti-social behaviour within a given period, when the issue is resolved or when no further action can be taken. This should be accompanied by a caveat that cases will be re-opened should any new instances of anti-social behaviour be reported or if new relevant evidence is provided beyond that time frame.

See email for further recommendations.