

ASB Policy.

Purpose

This policy outlines how Liver Care and Housing Ltd (LCH) will deal with Anti-Social Behaviour (ASB) and hate motivated behaviour incidents, it applies to all service users as well as their visitors and other visitors to our services.

The scope of this policy covers:

- Incidents involving service users as a recipient of ASB or hate motivated behaviour and/or other party who live with them or are visiting
- Incidents involving service users as a perpetrator of ASB or hate motivated behaviour and/or other party who live with them or are visiting
- ASB or hate motivated behaviour incidents that occurs within the neighbourhoods we offer services
- ASB or hate motivated behaviour incidents in our offices.

Policy Statement

LCH expects service users and anyone else whose behaviour a service user is responsible for not to commit (or encourage) ASB, hate motivated behaviour incidents and crime.

LCH is committed to meeting relevant legislative and regulatory requirements and ensuring staff can identify ASB issues, support those harmed, take appropriate and proportionate action, are aware of wider issues associated with ASB and hate motivated behaviour, safeguarding and domestic abuse.

This policy does not cover domestic abuse (see our domestic abuse policy).

We will always aim to prevent the behaviour causing issues by early intervention.

We are keen to ensure small issues between service users are not inappropriately labelled as ASB and set out below what we consider is ASB and what we consider is not.

LCH is also committed to learning from good practice to continuously improve our support and collaborate with local safety partnerships.

Principles

Our ASB policy aims are to:

- Assessing reports of ASB and hate motivated behaviour
- Having a lead ASB member of staff to manage cases and any potential legal action
- Take proportionate and appropriate action if evidence
- Ensure victims and witnesses are supported
- Work with partner agencies for solutions

Definition ASB and Hate Crime

In line with the Anti-Social Behaviour, Crime and Policy Act 2014, ASB is defined as conduct that:

- Has caused, or is likely to cause, harassment, alarm or distress to any person

- Is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- Is capable of causing housing-related nuisance or annoyance to any person

Examples of ASB include:

- Hate motivated behaviour
- Violence or threats of violence
- Verbal abuse (shouting or swearing at someone)
- Criminal damage, vandalism and graffiti
- Harassment and intimidation through threats and violence
- Being very noisy, persistent loud music, parties
- Selling/Taking drugs
- Nuisances from pets and animals such as persistent barking and dog fouling
- Using a home for illegal activities

Hate motivated behaviour is used to describe behaviour driven by hatred or prejudice towards particular social groups, race and ethnicity, religion or beliefs, sexual orientation, disability, transgender identity.

When hate motivated behaviour incidents become criminal offences they are known as hate-crimes as per the Crime and Disorder Act 1998.

Hate Crime is defined by the policy and Crown Prosecution Service (CPS) as:

“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 race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived transgender identity”.

Hate Crime can initially be identified as ASB, upon investigation if behaviour is targeted to a victim's identity it can be prosecuted as a crime.

What is not ASB – reasonable everyday behaviours and neighbour disputes

We encourage service users to live amicably within their neighbourhood and community. We understand that lifestyles and people are diverse and tolerances can differ, resulting in disputes with others. We understand that sometimes these issues can be upsetting, we will not get involved in these types of reports other than offer advice and guidance to reduce the impact of noise:

- Children playing noise or babies crying
- Normal living noise:
 - o watching TV
 - o washing machine
 - o reasonable DIY
 - o using stairs or closing doors
- Cooking smells
- Parking issues

Diversity Implications

We recognise that some service users will need some adjustments due to one or more barriers such as

language. We will work to identify needs and follow our reasonable adjustment procedures when we deliver services, we will work with service users and what we have been informed about to understand any vulnerabilities and remove any negative impact on wellbeing.

Our Approach

Assessing reports of ASB and hate motivated behaviour

Service users and/or their representatives or anyone affected by the behaviour can report ASB and hate motivated behaviour to us in several ways:

- Phone: 0151 474 1090/ 07834164505
- In writing: Head Office, 68 Walton Vale, Liverpool, L9 2BU
- By email: beth@liver-care.org.uk/ katie@liver-care.org.uk
- In person to any member of staff

We may also receive reports from other agencies such as the Police, Environmental Health and Community Safety teams.

When we receive a report, we will take details of the issue and risk assess:

- Severity
- Duration
- Dates and times it happened
- Intent of the perpetrator
- Frequency
- Impact
- History

We encourage reports of ASB and hate motivated behaviour and will take reports seriously. We will decide and advise if we deal with the issue through this policy, another policy or provide advice and guidance. Who made the report will be updated.

If we decide to deal with the issue through this policy we will develop an action plan, this will include:

- Summary of the issue
- Objective – what we aim to achieve, what the victim wants to achieve
- Responsibilities – who does what, what the person who reported the issues needs to do
- Timeline of key milestones and review
- Contact plan about how we will keep in touch
- Any referrals made
- Support resources

We will work with who made the report to gather any additional evidence to help us investigate, this may be:

- Diary sheets
- Photos
- Noise recording app

We may need to contact witnesses, interview the perpetrator, request information from the Police or other agencies, and review any other additional evidence.

We won't be able to take any further action in the instance of neighbour or personal disputes or other reasonable everyday behaviours; other examples will include:

- The alleged perpetrator is not a service user or visitor to our properties
- We have not got enough evidence to corroborate the reported incident
- We believe the report is malicious

In circumstances such as the above, we will be clear that we will not be able to assist further and offer appropriate advice such as signposting to other agencies or self-help tools where relevant.

If the ASB is a crime or if the report is about a hate motivated behaviour incident, we would ask that it is also reported to the Police and obtain a reference number. We will work with the Police on our investigation.

Taking proportionate and appropriate action

We will ensure a member of staff is designated to the report handling, case management and agree with whoever made the report any actions we need to take.

Early intervention

Sometimes if we address issues early, they can be resolved more quickly. Some early interventions we may use are:

- Mediation
- Verbal or written warning
- Partnership visits with other agencies
- Acceptable behaviour contracts or good neighbour agreements
- Parenting agreements

Legal routes for ASB and Hate Crime

After we have investigated the issue we will decide on next steps, this will depend on if we have enough sufficient evidence and if the behaviour significantly impacts on others, such as violence or other serious behaviour. We will always try to prevent ASB and intervene early prior to taking legal action and our assessment of risk. Legal routes can include:

- Notice of Seeking Possession (NOSP), this is formal notice to start possession proceedings
- Suspended Possession Order (SPO), this is when a court allows possession if conditions are not met
- Absolute Grounds for possession, enables faster eviction for most serious cases
- Section 8 notice is a notice to end a tenancy
- Continued possession proceeding until eviction (ordered by a court)
- Injunction, a court order to prevent certain behaviours
- Demoted Tenancy, reduces rights

We will always consider balance the needs of the victim, perpetrator and community to ensure we are fair and affective.

We monitor our performance and progress of ASB and hate motivated behaviour and review cases regularly to ensure we are compliance with statutory and regulatory requirements.

Regular monitoring of feedback will be conducted to ensure we are accountable and continuously improving our service.

Supporting victims and witnesses

We will always assess the risk to safety and wellbeing and honest about what we are able to do or not do as a social landlord. We will keep the person who reported the issue updated at each decision and stage of our investigation.

We will assess any support needs and tailor our response as well as signpost to specialist support. Under the Victim Code (<https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime/code-of-practice-for-victims-of-crime-in-england-and-wales-victims-code>), if behaviour results in Police pursuing criminal charges the victim falls with the code and must be referred to local victim support services.

We will keep the details of the person who reported the issue confidential and won't disclose details without consent or if we are required to by law. If we do decide to take legal action, the person who reported the issue will need to attend court. Support will be provided if this happens.

Working with partner agencies

We will work with partner agencies to deter and tackle ASB in communities we work in. Some perpetrators may need support to change their behaviour and sustain their tenancy, in these instances and if willing to engage with us, we will seek advice and support from specialist agencies to support them to make sustainable changes.

We will collaborate with partner agencies to determine the most appropriate solution and if we need additional solutions from them to tackle issues. These solutions may include:

- Closure Notices and Orders
- Noise Abatement Notices
- Criminal Behaviour Orders (CBO)
- Public Space Protection Orders (PSPO)
- Dispersal Orders
- Community Protection Notices
- Community Remedy or Resolutions
- Cautions
- Restorative Justice

ASB Case Review (formally known as Community Trigger)

A Case Review is a right given to victims and communities to request a review of their case where local solutions have not resolved the issue. A review ensures agencies join up to re-examine the issue and what has been done to resolve it and to explore solutions. Case Reviews are managed by the Community Safety Partnership who can be reached by the local authority.

Review and Update of Policy

This ASB Policy will be reviewed every three years to ensure it remains relevant and effective.

Related Policies

- Safeguarding Policy
- Domestic Abuse Policy
- Tenancy Management Policy

- Complaints and Compliments Policy

Related Legislation

- Housing Act 1985
- Housing Act 1988
- Housing Act 1996
- Protection from Harassment Act 1997
- Data Protection Act 1998
- Domestic Abuse Crime and Survivors Act 2004
- Crime and Security Act 2010
- Equality Act 2010
- Anti-Social Behaviour, Crime and Policing Act 2014
- Care Act 2014
- Serious Crime Act 2015
- Domestic violence disclosure scheme (DVDS) also known as Clare's Law 2017
- General Data Protection Regulation 2018
- Domestic Abuse Act 2021
- Regulator of Social Housing Neighbourhood and Community (Consumer) Standard