



**PEAKS & PLAINS**  
Housing Trust

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# The Trust

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## Anti-Social Behaviour and Hate Crime Policy

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## 1. INTRODUCTION

- 1.1. This policy sets out the Trust's approach to tackling Anti-Social Behaviour (ASB) and hate crime and how we will work with our customers who experience either. The Trust recognises the adverse effect of crime, ASB and hate crime on residents, communities and our assets.
- 1.2. Peaks & Plains Housing Trust ('the Trust') is committed to taking positive action and working alongside partners to make the areas within which we operate places that people are proud of – safe places where people choose to live, work and play. Preventing and resolving anti-social behaviour and hate crime is a key action to achieving this objective.
- 1.3. The Trust will use the full range of tools and powers that are available to us to prevent ASB, and we will be prompt, firm and proportionate in our response. The Trust values diversity and we recognise our duty to provide safe homes and sustainable communities. We condemn all forms of discrimination and hate crime.
- 1.4. The communities within which the Trust operates should not have to endure anti-social behaviour, regardless of the tenure of the perpetrators, and multi-agency partnership working is central to resolving and preventing ASB. It is recognised that the Trust may not always be the lead agency, as set out within the ASB Crime and Policing Act 2014, but it is crucial that a multi-agency approach is taken to tackling issues of ASB and hate crime.
- 1.5. The Trust is committed to delivering services that are fair and transparent and will ensure its staff are provided with guidance and training on how to deal with complaints of ASB and hate crime. The Trust will ensure robust systems are in place to monitor the progress of reports of ASB and hate crime, ensuring that complaints of ASB and hate crime are taken seriously and prompt action is taken to address issues. The Trust will work in partnership with its customers, the Police, local authorities and other agencies, where necessary, to ensure that this is achieved.
- 1.6. We recognise that our staff and contractors have a right to undertake their duties without fear of threats or intimidation. The Trust takes a zero-tolerance approach towards persons engaging in threats and intimidation of staff and contractors. This includes the use of social media and other forms of electronic communication to threaten, abuse, intimidate and harass staff.
- 1.7. We have separate policies for preventing and dealing with workplace violence, unacceptable behaviour and dealing with incidents of domestic abuse which should be read in conjunction with this policy.

## 2. SCOPE

- 2.1. This policy is used by all employees, contractors and volunteers of the Trust to understand the obligations placed upon the organisation to maintain a safe environment for customers, employees and contractors within our communities.

- 2.2. This policy applies specifically where the Trust provides a service to its customers and any additional service users within its accepted remit.
- 2.3. The aim of the policy is to ensure that the Trust takes an effective approach to prevent and tackle anti-social behaviour , and :
- to define what we mean by “anti-social behaviour” in terms of community safety and what customers can expect from us
  - to meet our legal requirement of publishing a policy and procedure statement in accordance with Section 218A(3) to (6) of Housing Act 1996
  - to comply with the anti-social behaviour requirements of the Neighbourhood and Community Regulatory Standard
- 2.4. The Trust commits to tackling ASB hate crime through the following measures:
- Prevention
  - Customer expectation and involvement
  - Early intervention
  - Partnership working
  - Enforcement
  - Support and rehabilitation
- 2.5 The Trust ensures that comprehensive policies and procedures in place are both compliant with legislation and best practice and will remain flexible to the needs of the communities we serve. This policy reflects good practice and meets legal and regulatory requirements and will be delivered in a non-discriminatory way.

### 3. LEGAL & REGULATORY REQUIREMENTS

- 3.1. The Trust must operate within the framework created by legislation. This policy and subsequent procedure have been written with regard to relevant legislation which includes the following (non-exhaustive) list:
- Social Housing (Regulation) Act 2023
  - Anti-Social Behaviour, Crime and Policing Act 2014
  - The Care Act 2014
  - Equality Act 2010
  - Housing and Regeneration Act 2008
  - The Children Act 1989 & 2004
  - Anti-Social Behaviour Act 2003
  - Human Rights Act 1998
  - Crime and Disorder Act 1998
  - Crime and Security Act 2010
  - Criminal Justice Act 2003
  - Data Protection Act 2018 and subsequent Regulations Housing Act 1996 Housing Act 1988
- The Trust has to comply with the he Regulator for Social Housing’s – Consumer Standards. The Neighbourhood & Community Standards requires the following:

### 1.3 Anti-social behaviour and hate incidents

1.3.1 Registered providers must work in partnership with appropriate local authority departments, the police and other relevant organisations to deter and tackle anti-social behaviour (ASB) and hate incidents in the neighbourhoods where they provide social housing. More detailed specific expectations which also need to be met are set out in the Standard.

## 4. DEFINITIONS

4.1. Anti-social behaviour can cover a range of circumstances from inconsiderate behaviour to serious criminal activity. The Trust defines ASB as:

- “Any act which caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator” (Crime and Disorder Act 1998)
- Any act that causes or is likely to cause a nuisance or annoyance to anyone directly or indirectly, as to interfere with the quiet enjoyment of their home or affects our housing management functions; or
- Involves using or threatening to use our homes and neighbourhoods for an unlawful purpose.

4.2. We consider the following to be examples of anti-social behaviour, these examples are not exhaustive:

- Violence and threats of violence against people and/or property.
- Aggressive and/or threatening behaviour or language (including causing or committing any act of violence or any form of harassment, intimidation or abuse against any member of our staff or anyone authorised to act on behalf of The Trust).
- Any type of hate behaviour that targets members of identified groups because of their perceived differences.
- Intimidation and/or harassment.
- Alcohol related ASB.
- Drug related ASB, illegal substances being used or sold in the area.
- Using a property for illegal or unlawful purposes e.g., the production, storage and/or selling of illegal substances, the storage of stolen goods.
- Noise nuisance such as shouting, broadcasting loud sounds or music etc.
- Problems caused by pets such as owning a pet that is a danger to the public or persistent dog barking.
- Litter, graffiti or dumping of rubbish i.e. fly tipping.
- Misuse of communal areas.
- Nuisance from vehicles or bikes, including abandoned vehicles.
- Making false or malicious complaints about another person.
- Domestic violence or abuse (incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those who are, or have been, intimate partners or family members regardless of gender (separate Policy and Procedure).

- 4.3. Occasionally customers report certain behaviours as “harassment or behaviour capable of causing a nuisance or annoyance” which may not be a nuisance as far as the law is concerned. The Trust expects customers to be tolerant of other peoples’ lifestyles and therefore will not act upon reports of behaviour that the law considers a reasonable part of everyday life.
- 4.4. The Trust will not generally deal with reports of the following as complaints of ASB:
- Children playing;
  - One off incident of loud noise;
  - One off incident of a dog barking;
  - Noise complaints related to reasonable day to day living, e.g., hearing footsteps from a property above;
  - Actions which amount to people being generally unpleasant to one another, including name-calling and disputes via social media such as Facebook, unless it amounts to harassment or hate crime;
  - Parking issues.
- 4.5. The Trust’s staff will exercise professional judgement when assessing whether a report of ASB meets our definition or not. Where the behaviour reported is not anti-social, the Trust will provide customers with self-help options where appropriate, including referrals to other agencies.
- 4.6. Hate crimes or Hate incidents as defined by the Equality Act, are any crimes/ incidents that are perceived to be targeted at a person because of hostility or prejudice towards that person’s:
- Disability;
  - Race or ethnicity;
  - Religion or belief;
  - Gender;
  - Sexual orientation;
  - Transgender identity;
  - Age Discrimination;
  - Alternative subculture (characterised by a strong sense of collective identity and a set of group-specific values and tastes that typically centre on distinctive style/clothing, make-up, body art and music preferences).

## 5. OUR POLICY

- 5.1. The Trust is committed to identifying ASB problems at the earliest opportunity and making positive interventions to prevent situations escalating. We will take a victim centred approach, ensuring a risk assessment and action plan are put in place at the earliest opportunity and will tailor the action to the individual circumstances.
- 5.2. The Trust will work to prevent ASB and hate crime happening in the first instance by challenging the attitudes and behaviours that foster hatred and encourage early intervention to reduce the risk of incidents escalating.

### 5.3. Prevention

5.3.1. The Trust is committed to working to prevent anti-social behaviour within its neighbourhoods through the implementation of effective strategies, policies and procedures, which are tailored towards the needs of the tenants and their households.

5.3.2. For example:

- A robust and effective Allocations Policy which will include the use of local lettings where appropriate;
- Consider urgent moves or management moves where appropriate;
- Grant Starter Tenancies to new tenants;
- Ensure that each prospective tenant is made aware, prior to the commencement of their tenancy agreement, of their responsibilities in relation to anti-social behaviour;
- Where appropriate, we will invest in our residents and neighbourhoods, both in terms of diversionary activities as well as in partnership with other organisations to use investment to design out anti-social behaviour and crime, including the use of overt CCTV equipment;
- Publicise successful legal actions against perpetrators of crime and anti-social behaviour to ensure the wider community is aware of our commitment to tackling such behaviour.

### 5.4. Early Intervention

5.4.1. The Trust will proactively deal with reports of ASB. The Trust will take action against offenders and support victims, in some cases we may also signpost to other agencies - where necessary, to help, assist and encourage interventions.

5.4.2. The Trust will provide a wide range of ways for reporting incidents; ensuring that all relevant staff are trained to receive a report of ASB or hate crime and ensure that all the relevant teams are trained to address the behaviour.

5.4.3. The following is a non-exhaustive list of the types of early intervention tools which may be used:

- Encouraging, when appropriate, complainants to speak directly to perpetrators of low level anti-social behaviour;
- Referrals to mediation services;
- Obtaining commitments from perpetrators regarding their future conduct, for example, Acceptable Behaviour Contracts (ABCs);
- Obtaining commitments from the parents or guardians of perpetrators, where the perpetrators are under the age of 18, for example, Parenting Contracts;
- Seeking resolutions to Anti-Social Behaviour through Restorative Justice;
- Verbal and written warnings.

5.4.4. The Trust will support and contribute to partnership initiatives to reduce crime, ASB or hate crime in areas it operates.

- 5.4.5. We will arrange and attend partnership meetings with relevant agencies where a multi-agency approach is required to resolve specific issues of ASB or hate crime.
- 5.4.6. We will work with responsible agencies such as the local authority and police when a multi-agency case review is requested (formerly known as the community trigger) . If the threshold is met, a victim of ASB (which may be an individual, a business or a community group) can request a review. The review encourages a problem-solving approach aimed at dealing with some of the most persistent, complex cases of anti-social behaviour. During the review, consideration will be given on how victims can best express the impact that the anti-social behaviour has had on their lives.
- 5.4.7 In order to support customers, where necessary, target hardening measures will be considered, for example the purchasing of cameras or dictaphones. This will be considered in line with customers' needs and considered on an individual basis as no size fits all. The Customer Resolution Officer will carry out an assessment and complete the target hardening request form which will be authorised by the Customer Support and Enforcement Manager or Head of Neighbourhoods.

## 5.5. **Support**

- 5.5.1. The Trust recognises that there may be underlying causes of anti-social behaviour such as drug and/or alcohol misuse, mental or physical health issues.
- 5.5.2. We will identify where support may prevent an escalation of the anti-social behaviour and will work with relevant statutory agencies, including Social Services, in order to achieve this.
- 5.5.3. The Trust will facilitate access to appropriate support for perpetrators of anti-social behaviour if it is appropriate to do so and will consider doing the following (this is a non-exhaustive list):
- Referrals to in-house tenancy support service;
  - Referrals to Social Services;
  - Referrals to the Community Mental Health Team;
  - Sign posting perpetrators to charities or third-party organisations who can provide support and/or assistance in relation to anger management. drug and/or alcohol misuse.

## 5.6. **Enforcement**

- 5.6.1. Where appropriate the Trust will consider the use of relevant legal interventions, as provided by legislation, including obtaining injunctions<sup>1</sup> against the perpetrators of the ASB, seeking possession of perpetrators' homes, and asking partner agencies to make use of powers available to them, including dispersal orders or closure orders.
- 5.6.2. The use of Ground 7a of the Anti-Social Behaviour, Crime and Policing Act 2014 for absolute possession will be considered in circumstances where a court has already found

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<sup>1</sup> A court order that requires someone to behave in a certain way, enforceable by the police.



a tenant or member of their household guilty of ASB or criminality in the locality of their property. The Trust operates a separate standalone policy for the use of Ground 7a.

- 5.6.3. When considering legal proceedings, we will complete a proportionality exercise based upon all the facts available to us at the time.
- 5.6.4. The Trust will work alongside partner agencies to offer support to perpetrators of ASB and hate crime to create more sustainable tenancies and communities.

## 6. EQUALITY, DIVERSITY & INCLUSION

- 6.1. The policy complies with the requirements of the Equality Act 2010, ensuring that customers are treated fairly without discrimination or prejudice.
- 6.2. The Trust recognises that all children and adults at risk, without exception, have the right to protection from abuse.
- 6.3. An Equality Impact Assessment has been undertaken on this Policy. On request, the Trust will provide translations of all its documents, policies and procedures in various languages and other formats such as large print, Braille etc.

## **7. RESPONSIBILITIES**

### **7.1. All Trust Staff, contractors and volunteers**

- 7.1.1. Responsibility for the implementation of this policy includes all staff, volunteers and contractors working on behalf of the Trust, whether that work is paid or voluntary. Responsibilities include the reporting of and/or the management of any incidents.
- 7.1.2. If any member of staff has any concerns about the safety or wellbeing of a child and/or adult at risk, they must immediately follow the Trust's Safeguarding Procedure.

### **7.2. Enforcement Team**

- 7.2.1. The Trust's Enforcement Team, led by the Customer Support and Enforcement Manager will be responsible for the operational implementation of measures contained within this policy.

### **7.3. Head of Neighbourhoods**

- 7.3.1. As legislation and best practice are formulated it will be the responsibility of the Head of Neighbourhoods to ensure any necessary updates to this policy are made in a timely manner

### **7.4. Executive & Board**

- 7.4.1. The Trust's Executive team will be responsible for the approval of this policy and will receive reports that demonstrate compliance with this policy. The Trust's Board will receive periodic updates on the Trust's approach to tackling ASB and hate crime, no less than annually.

### **7.5. Risk Management**

- 7.5.1. ASB and hate crime is a key responsibility for housing, care and support providers. The Trust will seek to mitigate business risk through this policy.
- 7.5.2. The risk is not just risk to the business – the first and most crucial risk is to customers. Where it is practicably possible the Trust will always safeguard children and adults at risk who live in our properties or receive our services.
- 7.5.3. The Trust will ensure we are compliant with the standards for tackling ASB and hate crime in line with the Regulator for Social Housing and legislative requirements.

## **8. MONITORING AND REPORTING**

- 8.1. The Trust will measure customers' satisfaction to ensure cases are managed effectively. Key performance monitoring information will be shared with the Trust's senior Managers, Executive Leadership Team, involved tenants, and Board, and will be publicised through a variety of media channels.

- 8.2. The Trust will use the following non-exhaustive list to measure and monitor performance:
- The volume of cases opened and closed and types of cases;
  - The length of time it takes us to resolve a case;
  - Number of cases resolved and unresolved;
  - Response times in cases having regard to the seriousness of the ASB;
  - Satisfaction with how we have handled the case and improving the service that is provided by continuously reviewing feedback;
  - Identify and consider any emerging trends with reference to EDI characteristics of both victims and perpetrators.

## 9. CONSULTATION

- 9.1. This policy has been reviewed in consultation with customers, staff voice and partner agencies of the Trust.

## 10. REVIEW

- 10.1. The Trust will review this policy every 2 years, or earlier if required by statutory, regulatory, legislative or best practice requirements or the need to update this policy following reviews of other Group wide policies or improvements identified by service reviews, scrutiny or feedback from customers.

## 11. ASSOCIATED DOCUMENTS

- 11.1.
- Anti-Social Behaviour Policy
  - Safeguarding Policy & procedure
  - Domestic Abuse Procedure
  - Domestic Abuse Within the Workplace Procedure
  - Code of conduct
  - Complaints and Compliments Policy
  - Health and Safety Policy
  - Whistleblowing Policy
  - Workplace Violence and Abuse Policy
  - Unacceptable Behaviour Policy
  - Red Flag Procedure

**POLICY INFORMATION**

Policy Name:	ASB and Hate Crime Policy
Status:	
Approved by:	
Drafted By:	Customer Support & Enforcement Manager
Date approved:	
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