

# Anti-Social Behaviour (ASB) & Hate Crime Policy



Lead Director: Director of Development and Growth

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# 1 Introduction & Aim

1.1 The aim of the policy is to support Cobalt's Neighbourhood Strategy and specifically to help sustain our communities by:

- Defining Anti-Social Behaviour (ASB) and Hate Crime in order for colleagues and customers to understand what will be recorded and managed as ASB and what will not
- Support victims and others in our communities affected by ASB and Hate Crime
- Manage our customers' expectations
- Set out how we will work with partner agencies to resolve ASB and Hate Crime

# 2 Policy Statement

2.1 Cobalt is committed to ensuring that our customers can live in a safe and secure home and neighbourhood.

2.2 The policy complies with the Regulator of Social Housing (RSH's) Neighbourhood and Community Consumer Standard. The Neighbourhood and Community Standard sets expectations for registered providers of social housing to keep the neighbourhood and communal areas associated with the homes they own clean and safe, co-operate with relevant partners to promote the wellbeing of the local area, and help prevent and tackle anti-social behaviour.

2.3 ASB and Hate Crimes are complex subjects, and it is difficult to provide a single definition.

The Anti-Social Behaviour Act 2003 defines ASB as:

"Conduct which is capable of causing nuisance or annoyance to any person and directly or indirectly relates to or affects the housing management functions of an association."

Hate Crime is defined 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 or perceived 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 to be transgender."

2.4 Examples of ASB include:

- Noise nuisance
- Neighbour nuisance
- Verbal abuse and threatening behaviour
- Harassment/bullying/intimidation
- Misuse of drugs/alcohol
- Animal nuisance
- Cyber Bullying
- Domestic Abuse

This list is not exhaustive.

2.5 Cobalt recognise that not all reports relating to behaviour that impacts on an individual can be deemed anti-social behaviour and often relates to lifestyles and being a considerate neighbour. An important factor of sustaining communities is the recognition and acceptance by our customers that the initial responsibility to resolve disputes is with them and we would initially encourage this, if appropriate. It is important to show tolerance and be respectful of differing lifestyles and circumstances.

2.6 The following are some examples of reports that are not generally included in this policy definition of anti-social behaviour:

- Noise from children when they are playing.
- Family disputes
- Babies crying
- Smells from cooking, vaping, or smoking cigarettes
- Sounds of normal day to day living, such as opening and closing of doors, going up and down stairs.
- One-off parties such as BBQ's, birthday or Christmas parties providing they don't cause an unacceptable disturbance.
- Minor personal differences
- Clashes of lifestyles, including cultural differences providing this does not include or relate to incidents of hate crime.
- Putting rubbish out on the wrong day/misuse of communal bins
- Parking disputes aside from those where spaces relate to disability.
- Boundary issues

2.7 We will be clear with customers where we deem any reports that do not fall in line with our definition of anti-social behaviour and offer advice and guidance to resolve.

2.8 Cobalt recognise that some of these issues could be resolved with our support, through improvements to the home and we will recognise and support this

where practicable. This list is not exhaustive, and each report will be assessed when it is received.

- 2.9 Cobalt takes a zero-tolerance approach to hate crime and hate incidents and will investigate any reports robustly.

If an incident of hate crime is believed by the victim to be motivated by hate, then we will investigate and record this as such as it is the perception of the victim that is important.

As part of our approach to working with partner agencies we will, if appropriate report hate crimes and hate incidents to the Police. This could be for further criminal investigation or action and/or for reporting purposes and we will be driven by the views of the victims in determining this.

### **3 Policy Principles**

- 3.1 Cobalt's tenancy agreement is clearly worded and outlines both the customer's rights and obligations regarding ASB. The tenancy agreement states the following:

#### **Violence or Anti-Social Behavior**

You must not behave (or threaten to behave or encourage anyone else to do so) in a violent, menacing, or threatening or abusive manner:

- In your home or in its locality
- In our offices and their locality
- In other places towards staff, agents, or contractors.

- 3.2 **Other tenant obligations include:**

- You are responsible for the behaviour of anyone living at or visiting your home.
- You must not damage or threaten to damage any property belonging to your neighbours.
- You will not behave unreasonably in a way that causes nuisance or annoyance to your neighbours or any other person who is lawfully in or the locality of your home.
- You will not harass any person on the grounds of sex, race, colour, ethnic or national origin, caring responsibilities, appearance, religion, marital status, sexual orientation, disability or any other reason.

- 3.3 Cobalt will acknowledge an urgent report of ASB (Physical Violence/Hate Crime/Domestic Abuse) within 1 working day or 5 working days for all other reports of ASB.

Cobalt will agree an action plan with the complainant in the early stages of the investigation. We will review progress against the action plan and communicate this to the complainant at least once a month for the duration of a case, whilst being mindful of data protection obligations and any ongoing legal proceedings.

- 3.4 In addition to any legal responsibilities set out in their tenancy agreement (for our tenants), we will expect customers and residents to:
- Take responsibility for minor personal disputes with their neighbours and try to resolve any such problems themselves in a reasonable manner.
  - Where appropriate, talk to their neighbour first and try to resolve any pet or noise-related problems.
  - Report any crimes, including threats or acts of violence to the Police.
  - Respect other people's rights to their chosen lifestyle and be tolerant of everyday, reasonable levels of disturbance; examples may include cooking smells, babies crying and religious practices.
  - Work and cooperate with us fully to resolve disputes/issues.
- 3.5 There will be occasions when Cobalt can find no evidence to support an ASB allegation and/or has made all reasonable efforts to resolve an issue. In these circumstances, the case will be closed and will not be re-opened unless there is new information/evidence to support this.
- 3.6 Where a customer requests and we believe it will assist in moving a case forward, we will work with a nominated third party representative. We may also suggest this as a route forward if we believe it is in the best interest to resolve the case.
- 3.7 It is our customers responsibility to advise us of any mental health condition or vulnerability when engaged in an investigation, to allow us to respond accordingly and provide support as required. Where no condition or vulnerability is declared we will assume you have capacity to work with us, to allow us to respond accordingly and provide support as required.
- 3.8 We will consider the diverse needs of customers in considering how they report ASB and hate incidents to us and eliminate any barriers to reporting such incidents.

### **3.9 Malicious/Unfounded Allegations**

Where there is evidence of a malicious allegation or continuous unfounded allegation, this in itself may well constitute anti-social behaviour/harassment and as such, appropriate action will be taken against the person reporting the allegation(s).

### **3.10 Implementation**

Cobalt has a wide range of available tools in order to help manage and tackle ASB. The tools include:

- Mediation
- Verbal and written warnings
- Acceptable Behaviour Contracts (ABCs)
- Anti-Social Behaviour Injunctions (ASBI's) Civil Injunctions
- Parenting Contracts
- Parenting Orders
- Closure Orders
- Possession Action/Eviction
- Starter tenancies
- Diversionary activities (including sports, education or training related)
- Preventative measures (including publicity and awareness raising)

3.11 In exceptional circumstances we can consider moving a victim(s) of anti-social behaviour. This will be where there is sufficient evidence and support from other agencies such as Merseyside Police and to prevent any further risk, particularly in cases where there have been actual or serious threats of violence.

### **3.12 Preventative Measures**

Cobalt will continue to work with a variety of partners to support victims and witnesses and will offer to support perpetrators for them to address any issues that contribute to their behaviour.

3.13 We will achieve this by working in close partnership with a variety of external partners both on a strategic and operational level including Liverpool City Council, Merseyside Police, Probation Services, Youth Services, social and health care agencies, and other third sector organisations such as the Anthony Walker Foundation and Daisy UK.

3.14 Cobalt will sign up to and actively support any local multi agency initiatives such as information sharing protocols or minimum service delivery standards and are integral members of the Multi-Agency Risk Assessment Conference

(MARAC) which supports victims of Domestic Abuse/Violence and the Hate Crime Joint Agency Group (JAG) which supports victims of Hate Crime including Disability Hate Crime.

- 3.15 Cobalt ASB Officers will work within their own Neighbourhood Team and across the organisation to highlight and tackle ASB related issues, and to provide support to victims and witnesses.
- 3.16 In order to support victims remaining in their homes we will offer target hardening where required. This will be considered on a case-by-case basis, but can include the provision of:
- Fire bags
  - Door and window alarms
  - Security Lights
  - CCTV\*
  - Other appropriate security measures

*\* When we consider the use of CCTV it will be in line with current GDPR regulations  
Cobalt may purchase equipment that is gifted to a complainant and Cobalt will not be responsible for replacing or repairing the items.*

- 3.17 Cobalt will work unilaterally and with partner organisations to deliver activities that raise awareness of Domestic Abuse, and related issues such as Safeguarding. To raise awareness Cobalt will use a range of methods of communication including newsletters, our website, and social media.

### **3.18 Colleague Welfare**

Cobalt recognises that dealing with victims and perpetrators of anti-social behaviour can be difficult and can impact on the welfare of colleagues that deliver the service. Measures are in place to support staff including regular case supervision and support and Cobalt reserves the right to change the ASB officer allocated to a case.

- 3.19 Cobalt takes a zero-tolerance approach towards any threatening, aggressive or abusive behaviour directed at or carried out against our colleagues, or any contractor employed on our behalf and has robust procedures in place to deal with any reported incidents of such behaviour. Appropriate action will be taken against any person found responsible, in line with our Unacceptable and Unreasonable Behaviour Policy.

### 3.20 Formal Complaints

Cobalt recognises that ASB investigations and formal complaints about our services are separate and will both be managed in accordance with the relevant policy. There may be occasions when a customer raises a formal complaint about our ASB service and may have an open ASB case, however they will be separately managed, and the outcomes are not linked.

## 4 Risk Management

Within the table below, set out the key risk(s) associated with delivery or non-delivery of the Policy. Include specifics explaining how the key risks are controlled, managed, mitigated and monitored. This will be used to develop the internal controls framework mapped to each risk and will form the basis for our strategic risk register and future risk reporting.

The key risk associated with non-delivery of this Policy is:

Risk Register Ref:	Risk:
ST 13 Neighbourhood Sustainability	“Failure to prevent or respond to a decline in the sustainability or popularity of our neighbourhoods and demand for our homes”
Risk Consequences:	Management and Mitigation:
<ul style="list-style-type: none"><li>• Increased anti-social behavior</li><li>• Reduced demand for housing in areas affected by ASB</li><li>• Increased void levels</li><li>• Drop in rental income in areas affected</li><li>• Increase in repairs</li><li>• Increase in disrepair and insurance claims</li><li>• Illegal activity taking place in properties</li><li>• Poor customer satisfaction</li><li>• Reputational damage</li></ul>	<ul style="list-style-type: none"><li>• Alongside this policy we also have a mixture of support and enforcement to manage allocations and subsequent tenancies.</li><li>• ASB specialism – Assigned officers per patch – Allocated Oversight Manager</li><li>• Regeneration activities</li><li>• Partnership working</li><li>• Monitoring of Neighbourhood PI’s and objectives</li><li>• Neighbourhood Planning</li><li>• Neighbourhood Strategy</li></ul>



## **Key Risk Indicators and Control Limits**

Performance on ASB response times and numbers of cases will be reported to our Homes and Neighbourhoods Committee (HNC). These are indicators of the quality of our service and response to incidents and the level of ASB across our communities.

## **5 Regulatory & Legislative Compliance**

5.1 Cobalt's policy and procedures for dealing with ASB take into account the main legal and regulatory requirements including:

- Regulator of Social Housing's (RSH) Consumer Standards – Neighbourhood and Community Standard
- Regulator of Social Housing's (RSH) Consumer Standards – Tenant satisfaction Measures (TSM's)
- The Housing Acts 1985, 1988, 1996 and 2004
- Environmental Protection Act 1990
- Noise Act 1996
- Crime and Disorder Act 1997, as amended 2002
- Human Rights Act 1998
- Data Protection Act 2018
- Regulation of Investigatory Powers Act 2000
- Anti-Social Behaviour Act 2003
- Criminal Justice Act 2004
- Equalities Act 2010
- Anti-Social Behaviour Crime and Policing Act 2014

## **6 Links to Other Key Documents**

- Local Lettings Policy
- Domestic Violence and Abuse Policy
- Safeguarding Policy
- Local Lettings Plan
- Responsive Repairs Policy
- Neighbourhood Management Policy
- Unacceptable Behaviour Policy
- Complaints Policy

## 7 Governance of this Policy

<b>Equality and Diversity</b>	<p>We will provide a tailored approach where possible to each individual case and all persons involved. This will include the provision of specific communication methods where required. If Cobalt is not able to assist, the appropriate sign posting to other organisations will be provided.</p> <p>My Cobalt colleague will receive Equality and Diversity refresher training. ASB cases will be monitored and reviewed. We will take reasonable steps to ensure the service is fair and equitable and review our data to ensure this. This will help Cobalt understand the uptake of the service and satisfaction levels, to allow the ASB to continue developing new and innovative methods to engage with customers.</p>
<b>Financial and Links to VFM</b>	<p>The following are circumstances where there will be cost implications:</p> <ul style="list-style-type: none"> <li>• Costs relating to the provision of temporary emergency accommodation or permanent rehousing.</li> <li>• Emergency storage of victims' belongings</li> <li>• Any cost relating to 'Target Hardening' or 'Reassurance' measures.</li> <li>• Costs relating to the provision of surveillance.</li> <li>• Translation and Interpreter services.</li> <li>• Any cost implications due to referral to and involvement of another agency.</li> <li>• Any costs relating to legal action or advice (for example mediation services).</li> </ul>
<b>Privacy and Data Protection</b>	<p>All reports of anti-social behaviour are dealt with in confidence and Cobalt will adhere to data protection legislation.</p>
<b>Health and Safety</b>	<p>This policy directly impacts on the health and safety of our customers, communities and colleagues managing the risk posed by ASB.</p>
<b>Development and Consultation</b>	<p>This policy has been developed considering the views, experience and expertise of Cobalt customers, colleagues, and partners.</p> <p>Efforts have been made to include a cross-section of opinions to reflect the make-up of Cobalt's community, including service users.</p> <p>Consultation has taken place with:</p> <ul style="list-style-type: none"> <li>• Cobalt customers and other residents in the Cobalt area</li> <li>• Peer registered providers and partners</li> <li>• Cobalt ASB Team</li> </ul>
<b>Customer Profiles and Accessing Services Data</b>	<p>Data will be used to assess the requirements of our customers to ensure they are able to access services available.</p> <p>Examples include information relating to</p> <ul style="list-style-type: none"> <li>• Customers who require information in a different language</li> </ul>

	<ul style="list-style-type: none"> <li>• Customers who require home visits</li> <li>• Customers who require letters in different formats</li> </ul>
<b>Monitoring and Review</b>	The assurance and monitoring of our ASB service is governed by our Homes and Neighbourhoods Committee and performance and any associated risks are reported to each meeting.
<b>Roles &amp; Responsibility</b>	The delivery of this policy will be the responsibility of the Neighbourhood Managers. Operational delivery will be in line with all ASB procedures which are currently the responsibility of the ASB Officers assigned to each of the four neighbourhoods, namely, Norris Green North, Norris Green South, Croxteth and Fazakerley. The Head of Housing has overall responsibility for our ASB service.

## 8 Definitions

- ASB - Anti-Social Behaviour
- Allegation – a claim that someone has caused anti-social behaviour.
- Investigation – the process to uncover facts relating to any allegations.

