



ANTI-SOCIAL BEHAVIOUR AND HATE CRIME POLICY

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Schedule 1

Anti-social behaviour statement of procedures

1.0 INTRODUCTION

1.1 This Policy outlines how Adra (Tai) Cyfyngedig deals with Anti-Social Behaviour (ASB) and hate crime.

1.2 Our aim is to sustain contracts, whilst also ensuring residents are satisfied within our communities.

1.3 In most cases we'll try to use early, informal interventions to resolve problems as quickly as possible without legal action.

1.4 In some cases where there is evidence of serious criminal behaviour, we may decide to take stronger enforcement measures at an early stage.

2.0 RESPONSIBILITIES

2.1 Adra's Neighbourhood Services Team is responsible for dealing with ASB and hate crime.

3.0 DEFINITIONS OF ANTI-SOCIAL BEHAVIOUR

3.1 The Anti-Social Behaviour Crime and Policing Act (2014) defines ASB as:

- 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 Behaviour which potentially breaches the terms of our occupation contracts is wide ranging and can include the following examples listed in 3.5. Prohibited conduct may also include domestic abuse (including physical, sexual, psychological, emotional, or financial abuse)

3.3 There is a difference between petty low-level nuisance and persistent and serious misconduct. We will need to ensure that any complaints made are genuinely about ASB and not made due to conflicting lifestyles.

3.4 All claims for possession for ASB will be based on a breach of the contract (s157)

3.5

| Examples of behaviour we consider to be anti-social | Examples of behaviour we do not consider to be anti-social |
|---|--|
| Excessive noise (e.g., playing loud music, screaming, shouting, slamming doors) | Babies/toddlers crying |
| Harassments/Threats/Verbal abuse | One off parties/BBQs where there's no evidence problems will re-occur |
| Garden nuisance | Children's play |
| Dumping rubbish or accumulating rubbish | |
| Pets/animals (e.g., causing damage, making excessive noise, behaving in a threatening manner, fouling areas). | Noise transference of day-to-day activities due to poor sound insulation (e.g., domestic appliances, cupboard doors etc) |
| Loitering in communal areas | Everyday behaviour occurring at unusual times (e.g., due to different work patterns). |
| Graffiti and/or Vandalising | |
| Taking/ dealing, possessing, cultivating, growing, producing, storing or selling drugs | |
| Domestic Abuse ((including physical, sexual, psychological, emotional, or financial abuse) | |
| Alcohol related behaviour | |
| Hate related incidents including on the grounds of race, colour, religion. age, sex, sexual orientation or disability | |
| Insulting words or behaviour | |
| Prostitution | |
| Keeping stolen goods within the property | |
| Using the property for the purpose of slavery | |
| Inappropriate behaviour in relation to vehicles (e.g., driving dangerously, making excessive noise with vehicle, parking in inappropriate areas, blocking roadways and/or any other vehicular access or causing obstruction). | |
| Interference or tampering with any gas, electricity, water meter or any other installations serving the property | |
| Other criminal behaviour | |

This is not a definitive list of categories. Its intention is to illustrate the type of behaviour involved.

4.0 PREVENTION AND ENFORCEMENT MEASURES

4.1 Our staff will choose the best action to deal with ASB that is available to Adra at any given time. We take a case-by-case approach. These are some of the ways we can deal with the situation:

4.2 Prevention measures

- (a) Mediation
- (b) Final Warning
- (c) Preventative Services
- (d) Procedures within housing allocation
- (e) Multi Agency Meetings
- (f) Restorative Justice with the Police and other Partners
- (g) Partnership working with various agencies

4.3 Enforcement Measures

We want to try and resolve problems as quickly as possible without legal action. However, if necessary, we can use these enforcement measures:

- (a) Injunctions
- (b) Undertakings
- (c) Committal proceedings for breach of injunction/undertaking
- (d) Order imposing periodic standard contract because of prohibited conduct
- (e) Environmental Protection Act 1990
- (f) Removal of a Joint Contract Holder as a party to the Contract by Court Order
- (g) Possession Proceedings

Adra is aware that when taking legal proceedings, it should comply with the requirements of various legislation.

5.0 SUPPORT FOR VICTIMS AND WITNESSES

5.1 We understand the important role that complainants and witnesses play in detection, prevention, and action against ASB and crimes.

5.2 We will deal with all complaints quickly and keep people informed of all developments. The officer dealing with the case will offer appropriate advice and support.

5.3 We do not underestimate the level of fear and intimidation that witnesses, and victims have to live with.

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- 5.4 The safety and wellbeing of witnesses and victims comes first in all cases.
- 5.5 Appropriate support will be offered to witnesses and victims by neighbourhood services staff, or if appropriate by a relevant support agency.
- 5.6 In cases that progress to a Court hearing, we can request a quiet place separate from the Defendant to wait before and during the hearing.
- 5.7 We will make sure that all witnesses are aware of the process involved and where appropriate, arrangements will be made for the witness to meet our legal representative prior to the hearing day.
- 6.0 SUPPORT FOR VULNERABLE CONTRACT-HOLDERS AND REHABILITATION OF PERPETRATORS**
- 6.1 Our aim is to prevent the ASB from happening again. The evidence in each case will be investigated to see if there is a cause for the behaviour, for example:
- A clash of lifestyles
 - Historical disputes between families
 - Breakdown in relationships
 - School truancy / exclusion issues
 - Mental Illness
 - Learning difficulties
 - Substance misuse / dependency
- 6.2 We can offer support, where appropriate, to the underlying causes and / or refer the perpetrator to supporting agencies.
- 6.3 If a vulnerable person is perceived to be at risk of significant harm, we will disclose to other relevant agencies or persons in accordance with our Safeguarding Vulnerable Groups Policy.
- 6.4 With cases involving children and young people, attempts shall be made to identify the underlying cause of their ASB and involve their parents / guardians to try and change their behaviour.
- 6.5 Relevant cases can be referred to the social services department, youth justice service and education welfare / schools service or any other relevant agency.

7.0 DRUGS

- 7.1 We do not tolerate the use of our homes and estates for the supply of illegal substances, including controlled drugs (as defined by the Misuse of Drugs Act 1971).
- 7.2 Adra will, save for in exceptional circumstance, take enforcement action (i.e., the remedies listed in 4.3) against those proven to have used their home for the supply of illegal substances.
- 7.3 If Adra has received evidence (e.g., a positive search warrant being executed at your home) that illegal substances are being kept/taken/cultivated/grown/produced at any of its homes for personal use, Adra will consider taking enforcement measures (as set out in 4.3 of this policy). Adra may however decide to address the matter by using prevention measures (as set out in 4.2 of this policy) depending on the circumstances of the matter.
- 7.4 If suspicions are raised that illegal substances are being kept/taken/cultivated/grown/produced at your home, but Adra cannot obtain physical evidence of the same, Adra will investigate and take into consideration all information and evidence available to it when determining what course of action, if any, is most appropriate in the circumstances.
- 7.5 Adra will consider each matter on a case-by-case basis and may seek legal advice on how best to deal with the issue.
- 7.6 7.1, 7.2 and 7.3 shall apply to any person who is found to have used (whether by him or herself or by instructing, encouraging, or permitting any other person) our homes or land for such purposes.

8.0 DOMESTIC ABUSE

- 8.1 We will not tolerate domestic abuse. Domestic abuse is a crime and a breach of contract .
- 8.2 We will act in accordance with our Domestic Abuse Policy, and work with the Police and other agencies to use legal powers where appropriate to address domestic abuse offenders.
- 8.3 We will aim to:
- Offer appropriate support through related partner agencies.

- Work with partner agencies to assist in finding temporary alternative accommodation when necessary or re house victims if appropriate.
- Work with other agencies to secure a positive outcome.
- Work with the Police family protection unit where enforcement action is necessary.

8.4 If the victim wishes to remain in their home, we may consider applying for an Injunction Order prohibiting the perpetrator from the home or area if sufficient evidence is available.

9.0 HATE CRIME

9.1 **Hate crime** is any crime which is targeted at a person because of hostility or prejudice towards that person's:

- Disability
- Race or ethnicity
- Religion or belief
- Sexual orientation
- Transgender identity

The victim does not have to be a member of the group at which the hostility is targeted. In fact, anyone could be a victim of a hate crime.

9.2 **Hate Incidents** are **incidents which do not meet the threshold for criminality**, but which are perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a person's actual or perceived:

- Disability
- Race or ethnicity
- Religion or belief
- Sexual orientation
- Transgender identity

9.3 We will not tolerate any individual being targeted and subjected to hate crime and or harassment. We will take a 'believing' approach when hate incidents are reported to us. If the victim perceives that an incident was motivated by hate because of who they are, it will be treated as such.

9.4 As part of Adra's commitment to partnership working, we will support and encourage the victim to report the incident to the police or another voluntary agency should they wish. Hate crime incidents are tracked nationally, and we will explain the importance of reporting

to the police, even if it's just for reporting purposes. We will listen to the victim and act on their wishes.

- 9.5 We will offer appropriate advice and support, as well explaining what other support is available from other agencies.
- 9.6 We will investigate all hate incidents reported by our Contract-holders / Occupants that have been perpetrated by another Contract-holders / Occupants. Where we consider that taking action against the Perpetrator is warranted, we may use one, or more of our range of prevention and enforcement measures (listed in 4.2 and 4.3 of this Policy) available at the time. We will take all information into account when making a decision as to what action, if any, is necessary and will keep you informed of our decision.
- 9.7 We will categorise hate incidents as a distinct category within our case management system. We will report annually on the number of hate related incidents reported to us.
- 9.8 We will refer to the guidelines set out in our equality and diversity policy.

10. ISSUES WITH INDIVIDUALS WHO ARE NOT OUR CONTRACT-HOLDERS

- 10.1 We can't impose contractual obligations on individuals who are not our contract-holders.
- 10.2 However, we will take all reasonable steps to safeguard our contract-holders, employees, agents and contractors who are victims of ASB in or around our homes.
- 10.3 If a complaint is made to us where no party is a contract-holder, we may refer the matter to another agency for example police or environmental health.
- 10.4 We may consider using injunctions to prohibit a person partaking in ASB from entering a property or Land owned by us.
- 10.5 In cases where a complaint relates to a contract-holder of another registered social landlord, we will consult with or refer the matter to them.

11. CONFIDENTIALITY, DATA SHARING AND DATA PROTECTION

- 11.1 We share information with other agencies under Memorandums of Understanding and other agreements, for safeguarding our interests and/or others and to deter ASB.

11.2 We are committed to abide by the terms of data sharing agreements as well as any relevant legislation including GDPR.

11.3 When information or complaints are received anonymously, care will be taken to ensure that the information is not false or malicious.

12. STAFF TRAINING

12.1 Our staff who deal with ASB are trained appropriately.

12.2 Training updates and seminars are attended when changes in ASB legislation occur, or when managers or staff identify a training need.

12.3 Our staff will be guided/assisted by our Legal Team in preparation of files for court cases and statement taking.

13. PROTECTING OUR STAFF

13.1 The wellbeing and health and safety of our staff is taken very seriously, and several measures are in place to help keep them safe including:

- Lone working procedures
- Joint visits with other staff members and/or Police
- Issue of mobile phones and personal alarms
- Role risk assessments
- Body worn video cameras
- Issue of personal protection equipment (PPE)
- Staff Counselling Service

13.2 Incidents where staff are threatened, abused, or even harmed are taken very seriously. We will take the necessary action to deal with such incidents using the powers available.

13.3 In all cases where the wellbeing and the health and safety of staff are compromised, the matter may be reported to the Police

14. COMPLAINT

14.1 Adra recognises your right to bring forward a complaint in relation to the exercise of this policy. Any such complaint will be dealt with under the CCpol01 – Complaints and Concerns Policy.

14.2 Adra will ensure that any decisions relevant to this policy are reasonable and comply with relevant policy and legislation

15. REVIEW OF DECISIONS

15.1 Adra recognises the right to request a review of any decision relating to this policy. Any such review will be dealt with following our CCp04- Review of Decision process.

15.2 Adra will ensure that any decisions relevant to this policy are reasonable and comply with relevant policy and legislation.

16. EQUALITY AND DIVERSITY

16.1 We recognise that ASB may include harassment motivated by prejudice. Our equality and diversity policy applies to all aspects of our work.

16.2 The policy states that everyone will have equal opportunity when accessing services.

16.3 When applying this policy, **those** subjected to targeted ASB in respect of **any of the protected groups listed in 9.1 and 9.2**, will be offered a range of support arrangements, depending on the victim's needs.

17. REFERENCES

- Anti-Social Behaviour Act 2003
- Anti-Social Behaviour, Crime & Policing Act 2014
- Equality Act 2010
- Environmental Protection Act 1990
- Misuse of Drugs Act 1971
- Crime & Disorder Act 1998
- Renting Homes (Wales) Act 2016

18. REVIEW

18.1 This policy and procedure will be reviewed every 3 years, or in response to changes in legislation, regulatory guidance, good practice or changes in other relevant policy.

| Issue | Date | Comments (What has been revised?) | Written By | Approved for content |
|-------|----------------|---|----------------|----------------------|
| 1 | August 2012 | Review of original April 2010 Document | Geraint Jones | |
| 2 | September 2012 | Amendments to policy template | Geraint Jones | |
| 3 | May 2013 | Amendments to paragraph 12.1 | Geraint Jones | |
| 4 | May 2015 | Review of Policy in accordance with inception of ASB Crime & Policing Act 2014 | Geraint Jones | |
| 5 | September 2018 | 3 Year review of document | Geraint Jones | |
| 6 | April 2019 | Amendment to S 7.1 in relation to Intermediate & Market Rent Tenancies | Geraint Jones | |
| 7 | October 2019 | Update to include Adra branding | Geraint Jones | |
| 8 | February 2020 | Updated to new Adra writing guidelines. | Epic PR | Geraint Jones |
| 9 | April 2022 | Updated following 3-year review, Renting Homes (Wales) act 2016 Terminology and Mazars ASB Audit findings | Geraint Jones | |
| 10 | October 2022 | Additional minor updates relating to Renting Homes (Wales) Act 2016 | Mari Pritchard | Sarah Riley |

SCHEDULE 1

ANTI-SOCIAL BEHAVIOUR STATEMENT OF PROCEDURES

1. Introduction

1.1 This document explains how and when to report anti-social behaviour (ASB) to us and what may be done to rectify the situation.

| Examples of behaviour we consider to be anti-social | Examples of behaviour we do not consider to be anti-social |
|---|--|
| Excessive noise (e.g., playing loud music, screaming, shouting, slamming doors) | Babies/toddlers crying |
| Harassments/Threats/Verbal abuse | One off parties/BBQs where there's no evidence problems will re-occur |
| Garden nuisance | Children's play |
| Dumping rubbish or accumulating rubbish | |
| Pets/animals (e.g., causing damage, making excessive noise, behaving in a threatening manner, fouling areas). | Noise transference of day-to-day activities due to poor sound insulation (e.g., domestic appliances, cupboard doors etc) |
| Loitering in communal areas | Everyday behaviour occurring at unusual times (e.g., due to different work patterns). |
| Graffiti and/or Vandalising | |
| Taking/ dealing, possessing, cultivating, growing, producing, storing or selling drugs | |
| Domestic Abuse ((including physical, sexual, psychological, emotional, or financial abuse) | |
| Alcohol related behaviour | |
| Hate related incidents including on the grounds of race, colour, religion. age, sex, sexual orientation or disability | |
| Insulting words or behaviour | |
| Prostitution | |
| Keeping stolen goods within the property | |
| Using the property for the purpose of slavery | |
| Inappropriate behaviour in relation to vehicles (e.g., driving dangerously, making excessive noise with vehicle, parking in inappropriate areas, blocking roadways and/or any other vehicular access or causing obstruction). | |



| | |
|--|--|
| Interference or tampering with any gas, electricity, water meter or any other installations serving the property | |
| Other criminal behaviour | |

2. Reporting anti-social behaviour

- 2.1 You can report anti-social behaviour by:
 - Phone: 0300 123 8084
 - E-mail – enquiries@adra.co.uk
 - Or in person at any of our offices.

- 2.2 If you wish to make a complaint outside office hours, you should initially contact North Wales Police on 101 to report the matter but should also contact us as soon as possible to inform us of the incident.

- 2.3 If you believe that the anti-social behaviour is of a criminal nature, or may lead to a crime being committed, then you should contact North Wales Police immediately on 999.

3. Processing a complaint of ASB

3.1 We will aim to:

3.2 Deal with your complaint promptly

- When you register an anti-social behaviour complaint, we will try to deal with it.
- The complaint will be allocated to a dedicated worker with the neighbourhood services team as soon as possible. We will:
- Aim to formally acknowledge your report within 3 working days.
- Aim to contact you within:
 - 5 working days to obtain full details of your ASB report
 - 1 working day if your complaint involves hate crime, domestic abuse or serious ASB.

This may be done face to face, in writing, or by telephone, text, email or online.

- Provide advice and support if you become involved in a dispute with a neighbour, and where appropriate offer to mediate.

3.3 Be clear about what we can do

- Try to contact you to discuss matters in the privacy of your own home, or if you prefer, at another location.
- Advise you what we can do to deal with the problem, and establish what we cannot do
- Work with you to discuss the next steps, outlining what will be done and by whom
- We will keep the identity details of complainants confidential if requested to do so, however, the nature and circumstances of some complaints may make it obvious who is in fact making the complaints.
- If appropriate, work with you to try and resolve the problem, explaining clearly to you what will happen at each stage of the case
- Whenever appropriate we will attempt to contact and interview the people responsible for the ASB where they have been identified within 10 working days of interviewing the person who made the complaint
- Consider the case for offering mediation
- Offer advice and signposting to other more appropriate agencies when we cannot help
- Usually, cases will be closed following no further contact from the complainant for four weeks, or non-occurrence of ASB within that period. We will contact you prior to closing your case by means of telephone calls, SMS, email, online or in person.
- Cases can be re-opened in the event of further reports of problems arising.

3.4 Make sure you are supported

- Offer support to the person complaining of ASB, and to other witnesses or people affected, by informing you of a nominated officer to deal with your case and arrange contact from our Officers or Partners.
- We will aim to Contact you every two weeks regarding your ongoing case, to offer or seek updates. Contact may be through the means of telephone calls, SMS, email, online or in person.
- If vulnerable people are involved as victims or perpetrators, we may offer support to both the complainant and the person causing the ASB e.g., where there are issues such as mental health to consider.
- Clearly explain the procedure to witnesses where cases are referred for Legal action and ultimately to Court
- Provide you with the tools necessary to record details of any incident you experience or witness. This information will help us decide on a particular course of action and may also be used as evidence if a case progresses to court. Failure to record evidence may result in Adra not being able to progress the matter.

3.5 Work with other agencies

- 3.5.1 We will work with others to try and resolve the situation. They may contact other partners to share information that will help tackle the problem. These may include Police, Social Services, Community Mental Health Team or Women's Aid.

4. Options available

4.1 There are a range of options available to us. These include, but are not limited to:

- Mediation
- Final Warning
- Preventative Services
- Restorative Justice with the Police and other Partners
- Housing Injunctions
- Undertakings
- Order imposing periodic standard contract because of prohibited conduct
- Possession proceedings
- Environmental Protection Act 1990

5. Monitoring of service provided by us

5.1 We will monitor ASB and the service we provide to tackle it. We will use performance measures as well as feedback from service users to ensure continuous improvement of the Service.

5.2 We monitor our services using a service user questionnaire.

5.3 If you are not happy with the service you receive following the report of an incident of ASB, we will:

- Refer you to the complaints policy
- Refer you to the review of decision procedure
- Allow you to register your complaint in several ways e.g., by phone, letter, email or in person at any of our offices
- Refer your complaint to our customer service manager to be investigated.

6. Data Collection

6.1 When requesting information, or giving information to other agencies, e.g., the Police we will adhere to agreed protocols.

6.2 The exception to this is where it is considered that an individual is at risk in any situation or if there is a high risk of serious harm to anyone in the situation described.

6.3 Information will not be given to third parties who are not involved in the case without the express permission of the complainant, however we have a duty of disclosure where a matter of significant risk or harm is identified in accordance with our safeguarding vulnerable groups policy.

7. Equality and diversity

7.1 We recognise that ASB may include racial harassment and other forms of harassment motivated by prejudice.

7.2 Our equality and diversity policy apply to all aspects of our work.

7.3 The policy states that everyone will have equal opportunity when accessing services.

7.4 When applying this policy, contract holders subjected to targeted ASB in respect of hate, race and disability discrimination will be offered a range of support arrangements, depending on the victim's needs.

8. Review

8.1 This procedure will be reviewed every 3 years, or in response to changes in legislation, regulatory guidance, good practice, or changes in other relevant Adra Policy.