

ANTI-SOCIAL BEHAVIOUR AND HATE CRIME POLICY



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Classification		Equality Impact Assessment	yes	Data Protection Impact Assessment	n/a
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1. PURPOSE

- 1.1 The purpose of this policy is to set out The Barnet Group's approach to prevent and minimise instances of anti-social behaviour, harassment, and hate crime, and to resolve them as early as possible through timely and appropriate intervention. It replaces any previous versions endorsed by The Barnet Group and its subsidiaries.

2. SCOPE

- 2.1 This policy applies to Barnet Homes, Your Choice Barnet and TBG Open Door (known as 'Opendoor Homes'), collectively referred to as 'The Barnet Group' within this policy, and their employees, Board and Committee members, and all properties owned and/or managed by them and residents living in and near them.
- 2.2 This policy establishes The Barnet Group's role in dealing effectively with anti-social behaviour (ASB), harassment, and hate crime. Unless stated otherwise, it uses the term ASB to incorporate harassment and hate crime. Domestic abuse and violence are dealt with through a separate policy and procedure, although we recognise that other forms of ASB such as noise can be an indicator of domestic abuse, and we will be sensitive to and consider this in our investigations.
- 2.3 In implementing this policy, The Barnet Group will:
- Comply with relevant legislation and regulatory requirements including the Regulator of Social Housing's Tenancy and Neighbourhood and Community Standards, Tenant Satisfaction Measures;
 - Aim to support residents being able to have reasonable enjoyment of their homes;
 - Work with relevant partners and customers to prevent and minimise instances of ASB and related crimes in areas where we own and/or manage properties, and to resolve them as early as possible through timely and appropriate intervention;
 - Provide customers with advice and support, and take a person-centred approach;
 - Treat people fairly and respectfully ensuring that any action taken is proportionate and reasonable; and
 - Support staff to prevent and deal with ASB effectively.
- 2.4 We would not normally deal with complaints of ASB where the person accused of ASB is not a resident of The Barnet Group; however, where appropriate we will give advice and support to customers to enable them to report ASB to Barnet Council's Community Safety Team through the [Citizen's Portal](#), or other agencies who may be able to help them in these circumstances. We will work in partnership with the relevant services to achieve suitable (reasonable) outcomes for our residents whilst taking into consideration any vulnerabilities or special circumstances.

- 2.5 Where ASB is the result of criminal activity, we expect residents to report criminal behaviour to the police, and we expect the police and other statutory agencies to take action where they have sufficient evidence to do so. Activity that should be reported to the police will include but is not limited to hate crime, drug use or dealing, street drinking, violence or domestic abuse, fireworks misuse, or prostitution. Emergency situations, such as those where someone is in immediate danger, should be reported to the police by calling 999. In non-emergency situations via 101 or online.

3. POLICY

3.1. Definitions

3.1.1. **Anti-Social Behaviour (ASB)** – The Barnet Group uses three statutory definitions of ASB:

- acting in an antisocial manner that caused, or is likely to cause, harassment, alarm or distress to one or more people not of the same household (Crime & Disorder Act 1998);
- engaging in or threatening to engage in conduct causing or likely to cause a nuisance or annoyance to persons engaged in lawful activities (Housing Act 1996) and,
- conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises (Anti-Social Behaviour, Crime, and Policing Act 2014).

3.1.2. **Harassment** – The Protection from Harassment Act 1997 indicates that someone's actions amount to harassment when they make the victim feel distressed, humiliated, threatened or fearful of further violence. The main goal of harassment is to persuade victims either not to do something that they are entitled or required to do or to do something that they are not obliged to do. Actions listed under the Protection from Harassment Act include, but are not limited to: ***phone calls, letters, emails, visits, stalking, verbal abuse of any kind, including on social media threats, damage to property or bodily harm.*** Such actions could amount to harassment when they occur more than once.

3.1.3. **Hate crime** – 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.

3.1.4. **PLAN for Human Rights** - Case management of ASB should always pass the PLAN test: Proportionate, Legal, Appropriate, and Necessary.

3.2. Policy overview

3.2.1. The Barnet Group recognises that ASB can have a very disruptive effect on neighbourhoods and communities and does not just affect those who are directly involved in the situation. We take ASB seriously and aim to balance enforcement action and intervention with prevention, using enforcement action only in serious cases or as a necessity to reduce risk or harm. We are committed to working with our customers to resolve ASB issues.

3.2.2. We will treat all reports of harassment and hate crime seriously, and as a matter of high priority.

3.2.3. We are committed to taking effective action and using the powers available to us where we consider that they can provide effective remedy. We recognise that residents and other

agencies share this responsibility, and it may not always be appropriate for The Barnet Group to lead.

- 3.2.4. We recognise the importance of working collaboratively with the police and relevant partners to support and encourage their role in enforcing the law. We will also use the evidence they provide together with evidence we obtain to take enforcement action where appropriate.
- 3.2.5. We will be clear about the circumstances in which we can intervene and the sanctions available to us. We will not raise expectations that we can take action where we cannot do so or where primary responsibility and enforcement powers lie elsewhere.
- 3.2.6. We recognise the importance of effective communication and will ensure that regular updates are provided to persons reporting ASB, and a clear point of contact is provided.
- 3.2.7. We believe that everyone has the right to reasonable enjoyment of their property as long as this does not affect the quality of life of others. This necessitates a degree of tolerance and respect for the requirements and needs of others, and we will promote this to customers when responding to their concerns.

3.3. What is Anti-Social Behaviour?

- 3.3.1. The definition followed by The Barnet Group is included in section 3.1. In a housing context, behaviour that is capable of causing nuisance and annoyance, ASB could include but is not limited to:
 - Acts/ threats of violence
 - Cuckooing (vulnerable person's property exploited for criminal purposes like drug dealing)
 - Harassment including digital/ cyber bullying
 - Drug-dealing
 - Use (smoking of) or possession or dealing of non-NHS prescribed cannabis inside or in the vicinity of your property or block/communal areas
 - Use or possession or dealing of any illegal drugs inside or in the vicinity of your property or block/communal areas
 - Criminal damage
 - Noise nuisance (e.g. constant loud music)
 - Running an immoral or illicit business
 - Shouting and screaming
 - Being drunk and causing a nuisance
 - Dumping rubbish
 - Using abusive or insulting words or behaviour
 - Damaging or threatening to damage another person's property or possessions
 - Causing any damage to any council or other property (including graffiti)
 - Rude or indecent behaviour
 - Letting water leak into other properties
- 3.3.2. Individuals have a right to enjoy their homes and are entitled to go about their daily lives without having concerns that complaints will be made against them. The Barnet Group will not consider all instances of nuisance as ASB. Types of nuisances that may not be considered ASB include but are not limited to:
 - Family disputes
 - Noise from children playing, babies crying;
 - Ball games
 - Minor personal differences such as dirty looks or disagreements between households

- Parking disputes
- Clashes of lifestyle
- DIY noise that is taking place at reasonable hours
- Civil disputes such as boundary issues
- One-off incidents of noise disturbance
- Day-to-day living or domestic noises that are not excessive or unreasonable, e.g. ordinary conversation heard through walls or floors, cooking smells, music, religious prayers/ ceremonies, use of medical or mobility equipment, neighbours walking around their home, moving furniture, and domestic activities such as vacuuming or using washing machines, flushing toilets, opening and closing doors
- Incorrect use of bins.

3.3.3. The Barnet Group will work to manage customers' expectations regarding behaviour that is not defined as ASB by offering advice and guidance. Where appropriate, we expect residents to amicably resolve issues themselves.

3.4. Residents' responsibilities

3.4.1. All residents are responsible for complying with the terms of their tenancy agreement or lease which requires that they do not cause ASB to their neighbours or neighbourhood. The Barnet Group will make clear residents' responsibilities with regards to ASB during the sign-up process.

3.4.2. In addition to the legal responsibilities set out in their tenancy agreement or lease, we will expect all residents to:

- take responsibility for minor personal disputes with their neighbours and to try to resolve any such problems themselves in a reasonable manner;
- where appropriate, talk to their neighbour first to resolve any problems/disputes;
- report incidents of ASB;
- report crimes, including threats or acts of violence, to the police;
- report incidents of hate crime to the police (https://www.report-it.org.uk/your_police_force)
- respect other peoples' right to their chosen lifestyle and be tolerant of everyday, reasonable level of disturbance (examples may include cooking smells, children playing, babies crying, or religious practices);
- work and cooperate with us fully to resolve disputes/issues, for example by providing us with updates of incidents, attending mediation, providing witness statements, attending court etc.

3.4.3. Where a property is sub-let by a leaseholder, the leaseholder will be held accountable and will be expected to manage the behaviour of their tenant.

3.5. Reporting ASB

3.5.1. We will ensure that it is easy for customers to report ASB and hate-related incidents and crimes using a variety of methods, including telephone, face to face, email, letter, and through our website.

3.5.2. Residents will be kept informed of the progress of their case where responsibility for dealing with the ASB lies with The Barnet Group. Where responsibility does not lie with The Barnet Group, residents will be sign-posted to the appropriate agency.

3.5.3. We recognise that some customers may not feel comfortable reporting hate-related incidents and crimes, and we will accept reports from official third parties acting on the customer's

behalf.

- 3.5.4. There are a number of third-party reporting centres across Barnet that can offer support and information and provide details of specialist support agencies. For more information, see Barnet Council's webpage on reporting hate crime to the police or a hate crime reporting centre: www.barnet.gov.uk/community/community-safety/hate-crime.

3.6. Dealing with reports of ASB

- 3.6.1. We will investigate ASB reports as soon as possible, and will prioritise serious incidents. Following a report of ASB, an initial triage assessment, which includes an initial vulnerability assessment, will be completed.
- 3.6.2. Detail regarding our approach to triaging and assessing cases of ASB is contained within our Anti-social behaviour and Hate Crime procedure.
- 3.6.3. If an incident is classified as 'high' risk, the individual reporting the incident may be advised to report it to the police. 'High' risk incidents may include hate crimes, harassment, criminal activity, violence, aggressive behaviour, and repeat victimisation. An ASB officer will be assigned, and their contact details will be provided to the person reporting ASB and any witnesses.
- 3.6.4. If an incident requires multi-agency involvement, a referral to the Community Safety Multi-Agency Risk Assessment Conference (CSMARAC) may be made, this will identify any immediate steps to mitigate any high risk so that the person reporting ASB is protected and reassured, along with solutions thinking and multi-agency input as required. Where appropriate, the police, Environmental Health, Social Services, Mental Health Services, local authorities, the Youth Offending Team, and/or Victim Support will be contacted.

3.7. Gathering evidence

- 3.7.1. The Barnet Group will work with person reporting ASB and persons accused of ASB to gather evidence of alleged incidents. This may include, but is not limited to:
- completion of incident diaries by persons reporting ASB;
 - use of the noise app where relevant;
 - interviews with persons accused of ASB;
 - interviews with witnesses;
 - interviews with persons reporting ASB;
 - scheduled and unscheduled visits to the area to gather evidence, including door-knocking; and
 - information exchange with partners, including the police.
- 3.7.2. Signed statements from persons reporting ASB and witnesses may be tendered as evidence, and therefore must be a true reflection of the situation.

3.8. Providing support

- 3.8.1. We aim to create sustainable communities and an environment where persons reporting ASB and witnesses feel confident and safe in coming forward
- 3.8.2. We will concentrate on the person reporting ASB when dealing with ASB reports and will work with relevant partners, for example Social Services, to make sure the person reporting ASB and their household are safe. We will provide details of organisations who are able to provide support if specialist support is needed.

- 3.8.3. We will strive to support vulnerable customers who have reported ASB, and we will attempt to identify if they are at risk of abuse or neglect. We will take action in line with The Barnet Group's Safeguarding Policy if we believe they are at risk.
- 3.8.4. Where specific vulnerabilities are identified in a case, we will provide a tailored approach both to those suffering and those accused of perpetrating ASB. The Barnet Group has an obligation towards persons accused of ASB who are vulnerable, just as it does to the persons reporting ASB. Exceptions may be made to our normal ASB Policy and Procedure in cases where the person accused of ASB is vulnerable, in particular regarding seeking an eviction. It may be appropriate instead to liaise with the support network of the person accused of ASB to try to find more suitable accommodation with a higher provision of care.
- 3.8.5. We will keep customers informed about action being taken and the next steps we will take if the ASB is not resolved, taking into consideration the requirements of the GDPR and the Data Protection Act 2018 to protect personal information.

3.9. Taking action

- 3.9.1. We will encourage our customers to resolve disputes with other customers safely and respectfully whenever possible. We will make customers aware of their responsibilities and rights in relation to ASB under the terms of their tenancy or lease to help them achieve this.
- 3.9.2. We will help tenants behaving in an anti-social way to keep their tenancies by balancing ASB prevention work and taking tenancy action against them.
- 3.9.3. We will take fair, reasonable, and proportionate action to tackle ASB. This will be based on the severity of the offence and how long it has been a problem.
- 3.9.4. We recognise that mediation can help reduce and resolve ASB issues, and we will use mediation wherever it is appropriate to do so. We will use mediation at an early stage to try to resolve the ASB before it gets worse. Both parties must agree to mediation before this can commence.
- 3.9.5. To reduce ASB in our neighbourhoods we may use several different tools, including legal action if mediation is not suitable. We will decide which tool(s) to use on a case-by-case basis, and we will only consider using legal action if stronger action is needed. The decision will depend on the severity of the ASB and how long it has been a problem. The tools we will use include, but are not limited to:
- Recharging for damage (e.g. for remedial work such as graffiti removal)
 - Warning letters
 - Acceptable Behaviour Agreements
 - Criminal Behaviour Orders in conjunction with relevant partners
 - Community Protection Warnings and Notices in conjunction with relevant partners
 - Anti-social behaviour injunctions
 - Possession action.
 - Eviction
 - Forfeiture of lease and recovery of any costs in relation to this
 - Demotion of tenancy
 - Management transfers in exceptional circumstances
- 3.9.6. We will make selective use of the absolute grounds for possession where the conditions listed in the Anti-Social Behaviour, Crime, and Policing Act 2014 are met and where, in our opinion, its use is justified by the circumstances of the case. We will carefully consider each case on its own merits. Tenants who receive a notice seeking possession from us using this absolute ground have the right to an independent review of the decision.

3.10. Preventing anti-social behaviour

- 3.10.1. We will use introductory (starter) tenancies to discourage ASB.
- 3.10.2. We will use information sharing agreements with relevant partners such as the police, in line with the Data Protection Act 2018 and the GDPR, to help us prevent or resolve ASB issues.
- 3.10.3. We will, where necessary and if ASB is a major problem in an area, make referrals to relevant partners, e.g. Community Safety Partnerships, to try to find out the underlying cause of ASB.
- 3.10.4. We will, where necessary, attempt to prevent ASB from happening in areas where it has been a major problem. We will do this by working with relevant partners on ASB prevention schemes and community cohesion activities based on the specific needs of customers and their families.

3.11. Closing an ASB case

- 3.11.1. A case will be closed when there are no further reports of ASB within a given period, when the issue is resolved, or when no further action can be taken.
- 3.11.2. We may also close the case where a resident fails to engage with us during a case investigation and this impedes our ability to address the issues being raised.
- 3.11.3. In each case where appropriate to do so we will conduct case closure checks with police and social care where the initial case has identified their involvement or potentially vulnerability for the victim and/or perpetrator.
- 3.11.4. Cases may be re-opened should any new instances of ASB be reported, or if any relevant new evidence is provided.

3.12. Harassment and hate crime

- 3.12.1. A victim-centred approach to reported incidents of harassment and hate crime will be adopted and The Barnet Group will work with persons reporting ASB to find solutions.
- 3.12.2. The Barnet Group will investigate all hate incidents and hate crimes. If an incident of ASB is perceived by a customer to be motivated by hate, then it will be investigated as such. The apparent lack of motivation as to the cause of a crime or an incident is not relevant, as it is the perception of the person affected that matters.
- 3.12.3. As part of our multi-agency approach in dealing with hate crime and ASB we will, where appropriate, report hate incidents and hate crime to the police. This could be for recording purposes or action, depending on the customers' wishes.
- 3.12.4. The support needs of persons accused of ASB as well as persons reporting ASB will be assessed, as The Barnet Group aims to provide appropriate support to meet residents' needs and to prevent harassment and hate crime from occurring, rather than displacing it to another area.

3.13. Anti-Social Behaviour Case Review (formerly known as Community Trigger)

- 3.13.1. Under the Anti-Social Behaviour, Crime and Policing Act 2014, if no action has been taken in response to repeat reporting of incidents of ASB, individuals, businesses, or community groups can apply for Barnet's ASB Case Review:

<https://www.barnet.gov.uk/community/community-safety/anti-social-behaviour-case-review-formerly-known-community-trigger>

3.13.2. The ASB Case Review calls for the multi-agency Barnet Community Safety Partnership (BSCP) to work together to review the problem and devise an action plan to resolve it.

3.13.3. The ASB Case Review can be used when:

- you have made three or more reports to either the council, police, or registered housing provider about the same issue in the last six months and no action has been taken; or
- five individuals have separately reported about the same issue in the last six months and no action has been taken.

4. RESPONSIBILITIES

- 4.1. The **Barnet Homes** and **Opendoor Homes Boards** and **Group Director of Resident Services** have overall responsibility for this policy, and for reviewing and monitoring performance and outcomes.
- 4.2. The **Head of Housing Management** is responsible for ensuring all staff are familiar with and follow this policy and the associated procedure, and for ensuring appropriate training is provided as required. They will review and monitor performance and outcomes in conjunction with the **Senior Neighbourhood Manager and the ASB Manager**.
- 4.3. **Anti-Social Behaviour Officers** are responsible for understanding and following this policy and the associated procedure, investigating reports of anti-social behaviour, taking appropriate action, and giving advice and guidance to customers.
- 4.4. **The ASB Manager** is responsible for understanding and following this policy and the associated procedure, monitoring and reviewing caseloads of the Anti-Social Behaviour Officers and ensuring appropriate third-party involvement in cases where necessary.
- 4.5. **Neighbourhood Housing Officers** are responsible for understanding and following this policy and are responsible for dealing with low to medium levels of ASB seeking guidance and support from Anti-Social Behaviour Officers when required.
- 4.6. The **Customer Contact team** is responsible for understanding and following this policy and the associated procedure, triaging reports of Anti-Social Behaviour, providing advice to, and signposting customers.
- 4.7. **All Staff** are responsible for understanding this policy and how ASB is managed in The Barnet Group and ensuring that they provide advice to and signpost customers appropriately.

5. EQUALITIES

- 5.1. The Barnet Group is committed to promoting equality of opportunity, fairness, and accessibility. We recognise that all customers should be treated equally and fairly regardless of their age, disability, gender reassignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex, and sexual orientation, and we will not directly or indirectly discriminate against any person or group in implementing this policy and its associated procedure.

- 5.2. We will act sensitively towards the diverse needs of individuals and communities and may provide communications in alternative formats where practicable and appropriate to assist customers with distinct communication needs. Exceptions may be made to this policy in order to accommodate an individual's needs, and The Barnet Group will consider requests for reasonable adjustments in line with the Equality Act 2010.

6. FEEDBACK

- 6.1. Anyone who is dissatisfied with any aspect of the services provided by The Barnet Group will have the opportunity to seek redress through our Complaints and Compliments policy. We welcome all feedback, good or bad, in all formats, and will provide support, as required, to enable people to make complaints.

7. MONITORING AND REVIEW

- 7.1. We will monitor the effectiveness and implementation of this policy and will recommend changes to improve service delivery where appropriate.
- 7.2. We will record, monitor and assess ASB reports and actions taken. We will take customer feedback, including that from complaints and satisfaction surveys, into account in order to improve and develop the service.
- 7.3. We will monitor or record all our ASB, harassment, and hate crime cases by the protected characteristic of the persons reporting ASB and the persons accused of ASB.

8. RELEVANT LEGISLATION

- Housing Act 1985, 1988, 1996, and 2004
- Anti-Social Behaviour Act 2003
- Anti-Social Behaviour, Crime, and Policing Act 2014
- Localism Act 2011
- Protection from Harassment Act 1997
- Family Law Act 1996
- Crime and Disorder Act 1998
- Anti-Terrorism, Crime, and Security Act 2001
- Racial and Religious Hatred Act 2006
- Human Rights Act 1998
- Equality Act 2010
- Data Protection Act 2018
- General Data Protection Regulation (GDPR)

9. LINKS WITH OTHER POLICIES AND DOCUMENTS

- Anti-Social Behaviour and Hate Crime Procedure
- Equality, Diversity, and Inclusion Policy
- Reasonable Adjustments to Services Policy
- Data Protection Policy
- Safeguarding Policy and Procedure
- Complaints and Compliments Policy and Procedure
- Domestic Violence Policy
- Neighbourhood Management Policy

DOCUMENT CONTROL

Version	Type of Change	Date	Revisions from Previous Issues
5.0	Review	May 2025	