



Anti-Social Behaviour, Hate Crime and Domestic Abuse Policy

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1.0 Introduction:

- 1.1 Dérive recognise that all our customers have the right to the peaceful enjoyment of their homes and neighbourhoods, and that left unchallenged, anti-social behaviour (ASB) including hate crime and domestic violence and abuse (DVA) can have a destructive and damaging effect on their lives. We are committed to working with customers and local communities to effectively tackle these issues and to create safe, sustainable communities.
- 1.2 As an ethical landlord, Dérive considers all forms of ASB including hate crime and DVA to be unacceptable and will apply the principles contained in this policy to ensure that our resident's lives are not blighted by these issues.
- 1.3 In tackling these issues Dérive will ensure that it complies with all appropriate legislation and regulations in place.
- 1.4 This policy will ensure that we adopt a victim centred approach to tackling these issues that is fair, transparent and proportionate.
- 1.5 "Dérive" is a term which includes any agent operating on behalf of Dérive who will follow this policy. In certain contexts the specific agent roles are mentioned to assist in implementation. Appropriate operational and performance monitoring procedures to deliver the policy are attached in the annex.

2.0 Aim / Purpose of the Policy:

- 2.1 This policy sets out a framework for how Dérive will control, reduce and prevent ASB. Dérive are committed to the principles contained in the ASB Charter for Housing and will ensure that its ASB service is regularly scrutinised and assessed against the Charter.
- 2.2 Through this policy Dérive aims to:
 - Demonstrate strategic commitment from its agents ASB service
 - Work with a range of appropriate local policies and partners
 - Ensure swift action to protect people and communities is taken
 - Ensure a supportive approach to working with victims and witnesses is taken
 - Recognise and prevent incidents of hate crime, harassment and racial harassment
 - Empower victims to make informed choices about their lives
 - Encourage individual and community responsibility
 - Ensure that a clear focus on prevention and early intervention is adopted
 - Ensure that a value for money approach is embedded in its services
 - Ensure that the Respect – ASB Charter for Housing, is central to service delivery

- 2.3 Dérive is committed to taking a victim-centred approach when responding to ASB complaints, ensuring that every complaint is taken seriously and complainants feel fully protected and supported. Dérive will deal with each occurrence or incident reported to us on a case-by-case basis and any investigations will be carried out in a confidential, sensitive and supportive manner.

3.0 ASB:

- 3.1 Dérive utilises the following definitions of ASB, as outlined in the Anti-Social Behaviour Crime and Policing Act 2014):

“conduct that has caused, or is likely to cause, harassment, alarm or distress to any person”,

“conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises”

“conduct capable of causing housing-related nuisance or annoyance to any person”

- 3.2 Tenants are responsible for the behaviour of every person (including children), living in, or visiting their home. The tenant is responsible for their behaviour in their home, in shared areas and in the locality of the home. The tenant or anyone living with or visiting their home must not do anything which causes or is likely to cause a nuisance or annoyance to any person residing, visiting or engaging in lawful activity in the locality of the tenant’s home. Nuisance amounts to ASB and this includes but is not limited to the following:

- Violent or abusive behaviour or any form of harassment
- Threatening behaviour
- Failing to control pets
- Being drunk and disorderly in public
- Vandalism and graffiti
- Prostitution
- Noise nuisance
- Domestic violence and abuse
- Illegal drug use and drug dealing
- Criminal behaviour
- Litter and fly tipping
- Inappropriate use and storage of motor vehicles
- Hate motivated behaviour
- Use of a Dérive property for any criminal activity

- 3.3 Dérive will actively engage and work strategically with appropriate policies and partnerships

4.0 Hate Crime and/or Hate Related Behaviour:

4.1 Dérive uses the definitions outlined by the Office for Criminal Justice Reform and the Stephen Lawrence Enquiry to define hate motivated behaviour which are:

“A hate incident - Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate.”

“A Hate Crime - Any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate.”

“A racist incident - any incident which is perceived to be racist by the victim or any other person.”

4.2 The definition of a hate incident includes all forms of crimes, harassment or other unwanted behaviour that someone with knowledge of the incident believes is motivated by the perpetrator's prejudice or hate towards the victim resulting from the victim's actual or believed membership of, or another person in that household's actual or believed membership of a group defined by:

- Age
- Disability, including having learning disabilities or mental health problems
- Faith or beliefs.
- Alternative sub-cultures
- Gender, including gender identity
- Race, colour, nationality, ethnic origin or national origin
- Sexual orientation (a homophobic hate crime is focussed on sexual orientation, a transphobic hate crime is focussed on gender)

4.3 Dérive will use this definition in order to ensure that our response takes full account of any hate motivated dimension to ensure that we take prompt, effective action wherever possible and that appropriate support needs are put in place for the victim.

5.0 Domestic Violence and Abuse (DVA):

5.1 Dérive uses the Home Office definition of DVA which is:

“Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality.”

5.2 The abuse can encompass, but is not limited to:

- psychological
- physical
- sexual
- financial
- emotional

5.3 Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and

capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

- 5.4 Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.
- 5.5 Safety and confidentiality underpins all action that Dérive will consider taking against the perpetrators of DVA. Dérive will use our powers under the appropriate legislation to take legal action against perpetrators including evicting them from the premises.
- 5.6 Dérive will also provide evidence and work closely with the Police and other agencies to help secure other appropriate legal sanction(s) wherever necessary.

6.0 Misuse of the Complaints Process:

- 6.1 The making of malicious or vexatious complaints can be a form of harassment or anti-social behaviour whereby an innocent resident or member of staff is subjected to unfounded exaggerated or dishonest complaints by someone seeking to cause detriment to the individual(s) concerned.
- 6.2 A vexatious complaint is a complaint without any merit which has been made solely to harass or intimidate another resident or a member of staff.
- 6.3 A malicious complaint is a complaint that is false and the intention is to cause harm or damage to another resident or a member of staff.
- 6.4 Whilst Dérive will investigate all complaints in line with this policy, part of the investigation in certain circumstances may need to include the possibility that the complaint falls into one or both of the above categories.
- 6.5 If as part of the investigation, it becomes clear that the complainant is malicious or vexatious, Dérive will consider classifying the complainant as vexatious.
- 6.6 If this is approved, then a number of actions will be considered including:
 - Establishing a single point of contact
 - Removing an individuals implied license to attend our offices
 - Taking legal action under the Anti-social Behaviour, Crime and Policing Act 2014 - (nuisance to landlord ground)

7.0 Supporting and Enabling Tenants and Communities:

- 7.1 **Access and accountability:**

- 7.2 Dérive will ensure that all of its tenants can easily access our service by providing a range of options for them to report issues and will make it as easy and accessible as possible for victims to report incidents.
- 7.3 Dérive will ensure that complainants and witnesses are kept fully informed at all stages during investigations into complaints and offer advice and reassurance wherever possible.
- 7.4 Dérive will use detailed profiling information to help understand its customers and the issues impacting on their neighbourhoods. Dérive will use this information to tailor how it delivers the service and to target its resources effectively.
- 7.5 **Taking swift action to protect communities:**
- 7.6 Dérive will take prompt, appropriate and decisive action to deal with ASB before it escalates. This includes early intervention measures, diversionary activities and non-legal measures.
- 7.7 However, we recognise that there will always be a minority of cases where the informal approach will not work, and formal interventions will be necessary to stop the most dangerous ASB from occurring and to provide swift protection for individuals and communities. Dérive will use the full range of legal tools and powers available and ensure employees know how to use them appropriately and proportionately.
- 7.8 All information supplied by victims and witnesses will be treated in the strictest of confidence and only disclosed with the express consent of the person supplying Dérive with the information.
- 7.9 We will maintain strong working relationships and strategic links with partners in Salford and we will share information that supports our proactive approach to tackling all forms of ASB.
- 7.10 **Supporting victims and witnesses:**
- 7.11 The overriding priority of this policy is to protect people from harm and to provide appropriate and timely support for victims and witnesses of ASB. This in turn will help people feel safer and more confident in the response and service that they receive after reporting ASB to Dérive.
- 7.12 At the outset of all ASB complaints we will assess the impact that the ASB is having on the victim, to inform the most appropriate response including prioritisation of the case, level of risk and identification of the most appropriate support needs.
- 7.13 Dérive will keep complainants and witnesses fully informed at all stages and offer advice and reassurance wherever possible. During the investigation into

an ASB complaint, Dérive will initiate and maintain regular contact with complainants on the progress of their complaint.

7.14 Dérive firmly believe that the right of the victim to continue to live without fear from ASB should be of paramount importance. Dérive's approach is always to use the tools and powers available to effectively tackle the perpetrators of ASB. However, Dérive recognise that in the most serious and threatening cases, where there is a significant risk of harm to a victim or witness the safest option may be to relocate them for their own protection. In these circumstances Dérive will seek to work with partners to adopt an emergency management relocation process.

7.15 **Encouraging individual and community responsibility:**

7.16 Dérive will take a pro-active approach to encouraging our customers to be considerate and respectful of each other and where appropriate and safe. Dérive will encourage 'self-help' options to resolve more minor nuisance issues by encouraging neighbours to talk to each other to find amicable resolutions including Restorative Justice.

7.17 Where appropriate Dérive will actively promote Restorative Justice as a vehicle to resolve neighbour nuisance and disputes.

7.18 **Prevention and early intervention:**

7.19 Dérive recognises that preventing ASB from occurring in the first place is the most desirable outcome for customers. We will ensure that our focus is on prevention from the outset of a customer taking up their tenancy with us.

7.20 Dérive are committed to working with partner agencies such as the Police, Local Authority and other housing providers to support a joined-up approach to tackling the root causes of ASB and promoting positive behaviours.

7.21 **Supporting Housing Needs:**

7.22 Dérive in consultation with the police will consider a range of target hardening measures to protect vulnerable customers and allow them to remain in their homes. However, Dérive recognises that in the most serious and threatening cases, where there is a significant risk of harm to a victim or witness the safest option may be to work with parties to seek to relocate them for their own protection.

7.23 Dérive accepts that on occasion victims of DVA may re-establish a relationship with the perpetrator. This may lead to the perpetrator moving back in with the victim in the new accommodation. In these circumstances Dérive will seek to encourage the victim to receive on-going support from agencies so that their safety can be maintained. If a victim is prioritised for an offer of a new tenancy on the grounds that they have

experienced DVA, the new tenancy will be a sole tenancy and wherever possible, depending on the wishes of the victim, this will be away from their local area.

8.0 Value For Money:

- 8.1 Ensuring that Dérive's ASB service is delivered as efficiently and effectively as possible is a key consideration for Dérive. Whilst acknowledging that tackling ASB is a priority for customers, Dérive also recognise that its resources are finite and that it needs to maximise resources to skilfully balance the competing demands of cost and quality.
- 8.2 Dérive will systematically evaluate our prevention and intervention activity to ensure that resources are targeted effectively and provide customers with the most timely and appropriate response.
- 8.3 Dérive will offer every customer who makes an ASB complaint the opportunity to complete a satisfaction survey and will publicise to all customers information on how Dérive are performing.



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