

## Anti-social behaviour, hate behaviour and harassment



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## What is anti-social behaviour?

### Anti social behaviour is:

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, or conduct capable of causing housing-related nuisance or annoyance to any person.

Anti social behaviour can range from activities that are annoying, like having an untidy garden that affects the community it is in, to criminal behaviour. The behaviour may affect our residents and individuals in our neighbourhoods, or our staff.

### Examples of anti-social behaviour can be:

- Noise – loud vehicles, fireworks misuse, barking dogs.
- Drug and substance misuse and dealing.
- Prostitution, sexual acts and kerb crawling.
- Abandoned or untaxed vehicles.
- Rubbish, litter and fly tipping.
- Running a business from your home if this is capable of causing a nuisance
- Crime and vandalism, graffiti, arson, criminal damage.
- Misuse of communal areas.
- Untidy gardens, harassment, threats and intimidation.
- Physical violence and abuse.
- Domestic violence and abuse.
- Child abuse.

We aim to make sure our residents are safe in and around their homes, and can live in peace within the community.

When residents commit anti-social or hate behaviour, or harass other residents, it is a serious breach of their tenancy agreement. We will take immediate action using the tools available to us to make sure anyone breaching the terms of their tenancy stops.

If you have been the victim of anti-social or hate behaviour, or harassment, call us, visit the office or write to us with details. You can also ask a friend or relative to report the problem for you if you prefer.

## What is hate behaviour?

Hate behaviour is anti-social behaviour that is motivated by prejudice or hatred of a person because of a perceived difference, for example, race religion, sexuality or age. Hate behaviour is a criminal offence. As well as reporting it to us, you should also report it to the police and tell them it was a hate crime. This will help us take action against the alleged perpetrator(s).

Wherever possible, hate behaviour will be investigated within 48 hours of your initial complaint, and we will act as quickly as possible to resolve the problem. This means that we will need to talk to you to gather more detail of the behaviour you are experiencing.

Your wishes and opinions are important to us and no action will be taken without first consulting you. Each case will be judged individually.

We will do whatever we can to help you feel safe enough to remain in your own home, including fitting extra safety measures if you wish. However, if the behaviour involves serious threats against you and your family, it may be possible to re-house you in another area where we have homes available, if you wish to move.

### **What is harassment?**

Like hate behaviour, harassment may be suffered by people or groups of people because of their race, ethnic or national origin, gender, sexuality, HIV status, religious beliefs, disability, age or family circumstances. We will not tolerate any form of harassment.

When dealing with harassment, the victim's wishes will be paramount in determining what action will be taken. We will make sure victims are kept informed of progress throughout the case.

Where a resident is required to give evidence as a witness, we will make every effort to provide them with support, including escorting them to and from court. Victims will also be referred to the local Victim Support Witness Service.

Extra security measures, for example, fireproof letterboxes, higher fencing, stronger doors or new window and door locks will be fitted as a priority.

### **Reporting ASB, Hate Behaviour and Harassment**

You can report behaviour that you are concerned about by phone, on-line or in person. In recording complaints of ASB we have to distinguish between serious conduct that is actionable and less serious matters that can be resolved by talking it through and compromise.

When you tell us about it we will ask you to:

- Identify the type of ASB that is taking place.
- Tell us who is carrying it out.
- Tell us when and how often it has occurred.
- Tell us what the impact on your household and on the community is.
- Tell us who else has seen it happen.

We will ask you

- Are you in immediate danger?
- Have you received threats ?
- Have you seen criminal activity?
- Is it noise?
- Is it unneighbourly behaviour?

You can ask to speak to a member of staff of the same sex or ethnic origin if you are more comfortable with this

**What you can do?** If you are experiencing any form of anti-social behaviour, harassment or hate behaviour, you can, if it would not put you at risk, approach the person causing the problem, explain calmly why their behaviour is upsetting you and ask them to stop.

### The benefits of talking through things yourself

If you can resolve the situation yourself, it builds trust and confidence.

As the person reporting the problem, you know what will make the situation better for you because you can be clear about how it affects you. When people discuss a problem they have a chance to see the other person's point of view: your neighbour may not realise they are affecting you.

- Keep a record of events so your discussion is based on fact.
- Let a friend or family member know where you are and when you expect to be back.
- Don't call during or immediately after an incident, or when you are angry.
- Be polite and assertive not confrontational.
- Stick to the facts.
- Expect your neighbour to be defensive or to make counter accusations.
- Be prepared to acknowledge these if they are true.
- Don't expect to win, expect to reach a compromise.
- Try to agree a period over which you can test the compromise and after which you could discuss how things have progressed.
- Be prepared to let small breaches go by if the situation is generally getting better, but keep a record for your next discussion or in case you need to involve us in the future.

### What we will do

To take action against alleged perpetrators of hate or anti-social behaviour, or harassment, we need evidence, so please use the 'incident diary' to record what happens, when and how it affects you.

If there are witnesses, ask them for their names and addresses, we will need to talk to them to strengthen your case. We might suggest that other agencies, such as the police and victim support, get involved.

### We will

- Check records for previous complaints.
- Check with witnesses.
- Check with neighbours
- Check with Police or other service provider.
- Encourage witnesses to come forward.

When we have collected evidence, we will decide if there is a case to answer. If so, we will take action.

If the behaviour is serious and involves threats against you and your family, we will try to investigate it within 24 hours. You should also report this kind of behaviour to the police.

If you are concerned that the behaviour is a criminal offence, whether it is to your own property or someone else's, you should also contact the police.

We will keep you up to date with what's happening. All cases will be recorded on our housing management system and information will be processed in accordance with the Data Protection Act 1998.

## Action we may take

### Mediation

In some cases, mediation can help a situation. This independent service works by encouraging disputing neighbours to see each other's view and working to find a solution for both sides. We will discuss this with you first, before speaking to the other parties involved.

### Acceptable Behaviour Contract (ABC)

An ABC is a written, formal, personalised agreement between Accent and an individual who agrees that they will not act in an antisocial manner in future. They give individuals a chance to change their behaviour and will make the consequences of not doing so clear.

### Injunctions

People causing ASB can be subject to injunctions which are court orders requiring an individual to stop doing something, for example causing excessive noise. An injunction can also require you to start doing something for example keeping your garden tidy or clearing up dog mess.

We will use injunctions where an informal approach hasn't succeeded in an individual changing their behaviour appropriately, or where the matter is urgent and we need to act to protect an individual, the community or Accent.

Injunctions may be used as a remedy on their own, or as an interim measure whilst preparations are made for other forms of legal action.

### Criminal action

We will work closely with the police to pursue criminal prosecutions for racially aggravated offences, intentional harassment and incitement to racial hatred, with the victim's consent.

### Re-housing victims

This is not an ideal resolution of the harassment itself, but we may temporarily or permanently move victims to another home in order to keep them safe if the conduct being investigated involves threats or violence.

### Starter tenancies

If we believe that it may be an effective remedy we may serve notice and apply for an order to demote a fully assured or secure tenancy for a period of 12 months. Whilst a tenancy remains demoted it is easier to take possession proceedings should the anti-social behaviour be repeated.

### Notice of seeking possession

If unacceptable behaviour continues after the appropriate tool has been used we will seek to terminate a tenancy.

### Eviction

Any legal action we take will be heard by a judge in the county court. It is the judge who decides what happens. We will keep you up to date so you know what is happening. Where witnesses are required and there is a fear of intimidation, witness support can be organised through the county court.

### Partnership working

We work closely with other agencies such as the police and social services to investigate and reduce anti-social behaviour. This includes supporting you to resolve problems and, if necessary, help gather evidence. We share information with the police and local authorities where we think it will help solve anti-social behaviour. We also attend meetings with other agencies and refer cases to such meetings to make sure we take a shared approach to improving safety in the communities where we have homes.