

Policy



Anti-Social Behaviour & Hate Incident

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Anti-Social Behaviour & Hate Incident Policy

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Anti-Social Behaviour & Hate Incident Policy

1.0 Introduction

- 1.1 By adopting this Policy Incommunities intends to make a public commitment to tackling Anti Social Behaviour (ASB) and Hate Incidents. This policy sets out how we can provide an effective response to ASB and Hate Incidents.
- 1.2 As members of Bradford, Kirklees and Wakefield Community Safety Partnerships Incommunities is committed to supporting the aims of the partnership by dealing effectively with all forms of ASB and Hate Incidents.
- 1.3 This policy sets out the way in which we will aim to deliver this commitment, with our partners, through the adoption of the available tools and powers, effective procedures and working practices.

Statement of Intent

- 1.4 Incommunities recognises that all residents have the right to the peaceful enjoyment of their home. Equally, every resident has a responsibility not to interfere with their neighbour's right to the peaceful enjoyment of their home. We recognise that if not addressed, ASB and Hate Incidents can significantly reduce the quality of life for our tenants and local residents.
- 1.5 Incommunities will put victims at the centre of our response. We will tailor our actions to meet their needs and ensure that they are at all times put first.
- 1.6 Incommunities also recognises that our staff, our partners and contractors are entitled to carry out their duties in safety and free from harassment and intimidation. Incommunities will not tolerate anti-social behaviour in the areas in which we work. We make a commitment to take timely, consistent and proportionate action to tackle all forms of ASB and Hate Incidents. We will adopt a zero tolerance towards abuse of staff, contractors, Board, Community Trust Panel (CTP), Resident Panel members and other volunteers delivering our functions.
- 1.7 We will show leadership in this area by demonstrating clearly what behaviour is acceptable and challenging unacceptable behaviour wherever possible.
- 1.8 We will access resources to address ASB and Hate Incidents at all levels; through our Neighbourhood Offices, the Tenancy Enforcement Team and the Intensive Housing Management Service.
- 1.9 Incommunities recognises the rich diversity of the communities in which it operates in terms of differing lifestyles and cultures. We acknowledge these differences and aim to create an environment that supports such diversity, in line with our Equalities & Diversity Policy. Incommunities is committed to combating Anti-Social Behaviour and Hate Incidents in the interests of community cohesion. We will provide support to help residents avoid causing nuisance and where necessary we will investigate and deal with all allegations of anti-social behaviour in line with this commitment.

2.0 Strategic Context

2.1 This Policy has been prepared with regard to legislative, national and district strategies and policies in relation to ASB and Hate Incidents. Incommunities' policy has regard to the strategic context set out in Appendix One:

3.0 Definition of Anti Social Behaviour

Incommunities will use the following legal definition of Anti Social Behaviour:

"... conduct capable of causing nuisance or annoyance to any person..."
ASB Crime and Policing Act 2014

This statute defines ASB by reference to the impact of the behaviour on the victim. This means that potentially any kind of behaviour can be anti social. The following are all examples of anti social behaviour and are the most frequently reported types of behaviour; these are the categories which Incommunities will use to record and report on ASB.

Category	Examples/sub categories
Noise Nuisance	Music Domestic Other noise
Harassment & intimidation	Abuse Threats Offensive behavior
Hate related incidents	Race or Religion Gender Sexual orientation Disability Age
Damage to property	Deliberate property damage Graffiti Property neglect and hoarding Meter interference
Nuisance by animals/pets	Excessive numbers Noise, smells Animal attacks
Nuisance caused by vehicles	vehicle repairing Quad/off-road bikes Unlawful Driving
Drug related nuisance	Drug Use Drug dealing Drug production

Alcohol related nuisance	Drunken behavior Street drinking
Domestic abuse	Domestic violence
Use of violence	Assault (no injury) Assault (injury) Assault (serious injury)
Litter	litter/rubbish/ fly tipping
Neglected/untidy garden	Garden condition
Nuisance in public areas	Youths loitering in Communal area
Prostitution related nuisance	Prostitution Kerb crawling Sexual acts
Other criminal conduct	Criminal behaviour

4.0 Summary of our Approach

4.1 Incommunities will take a balanced approach to ASB and Hate Incidents combining support and assistance to tackle the causes of ASB and Hate Incidents with swift and proportionate enforcement where necessary and where behaviour does not improve. The following are the key components of this approach:

- **Support and Prevention:** Incommunities will ensure that a range of support provision is available whether directly by Incommunities or through our close links with partner agencies. We will seek to support and assist individuals who have a history of unacceptable behaviour to enable them to sustain conflict-free tenancies and break the cycle of tenancy failure.
- **Enforcement Tools:** Incommunities will use the full range of enforcement tools available to Social Landlords, taking swift enforcement action where circumstances require. We will adopt a proportionate, staged response aligning the action taken with the seriousness of the behaviour.
- **Support for victims and witnesses:** Incommunities will at all times keep the victim the focus of our response, we recognise the essential role that victims and witnesses play, we will ensure that they are supported with information, advice, reassurance, legal and practical protection measures. We will employ our resources, including our CCTV service, to support and protect victims of ASB and Hate Incidents.
- **Involving and Empowering residents:** Incommunities will inform, engage and involve customers and residents in its response to ASB and Hate Incidents. We will publicise our actions and use regular updates and feedback sessions (consistent with

Data Protection obligations). In this way we will empower our customers to set our priorities and build confidence in our capacity to address ASB and Hate Incidents.

- **Partnership working:** Incommunities recognises the value of partnership working in this area. We will work closely with our partner agencies in Bradford , Kirklees and Wakefield at both a strategic and operational level.
- **Cross -tenure:** Incommunities recognises that our powers and responsibilities to deal with ASB and Hate Incidents extends beyond our own housing stock. We will act to support and protect our tenants where they are affected by the actions of individuals in other tenures such as owner occupiers, private tenants or tenants of other Social Landlords and the occupation of their home, or, our housing management function is affected. Equally we will act to protect individuals in other tenures where they are affected by the actions of our tenants.
- **Starter tenancies:** we will issue starter tenancies to new tenants in accordance with our starter tenancy policy

5.0 Balanced Approach

5.1 Incommunities acknowledges that to ensure that any response to ASB and Hate Incidents is sustainable we must undertake prevention work as well as enforcement action. Enforcement action in isolation risks displacement rather than resolution of ASB and Hate Incidents. Individuals who may already be isolated or alienated may be further disengaged from mainstream community contacts. Whilst not diminishing our commitment to tackling ASB and Hate Incidents we will balance that commitment with an undertaking to tackle the underlying causes of ASB and Hate Incidents.

5.2 Incommunities will adopt a twin track approach to ASB and Hate Incidents which balances the provision of support and intervention to address underlying needs with the use of enforcement action to bring an end to ASB and Hate Incidents.

The two elements of this approach will not be exclusive but will work in parallel so that each element will enhance the effectiveness of the other.

5.3 We will ensure that the Teams which deliver support services and the Team which deals with enforcement action work in close co-operation. In this way we will ensure that each aspect of our response is considered and, where appropriate, a co-ordinated response is identified and implemented.

6.0 Support and Prevention

6.1 Incommunities will seek to prevent unacceptable behaviour by tackling the underlying causes. In this way we will seek sustainable outcomes and get people's lives back on track.

6.2 Incommunities' Allocation and Lettings Policy provides for a "suitability assessment" to be carried out prior to allocation. As part of this assessment previous ASB issues will be identified and measures will be put in place to ensure such behaviour will not be repeated if the allocation is to proceed. Where Incommunities has taken legal action against a customer who has engaged in serious ASB or Hate Incidents we will place

those customers on a review list where we require them to provide evidence of changes in their behaviour to ensure that they are able to maintain a further tenancy.

We will use support provision to prevent ASB problems from developing. Where the suitability assessment identifies prospective tenants with support needs in order to sustain a tenancy. We will ensure that such tenants are offered a support service in conjunction with their tenancy combining enhanced tenancy management and advice with provision of specialist support services to meet identified support needs. Incommunities role in MAPPA is one of a co-operating agency and as such we will take into account their views and advice during any suitability assessment.

- 6.3 Where we find anti-social behaviour in conjunction with social exclusion and tenancy failure we will address this by a combination of intensive housing management and the co-ordination of the delivery of support provision. In this way we will assist tenants with a background of failed tenancies to sustain conflict-free tenancies.
- 6.4 Core elements of our offer include:
- A pre-requisite that the tenant will comply with the tenancy agreement.
 - Tenants will be required to enter into a genuine commitment to change their behaviour, although we are prepared to incentivise them by providing an alternative of enforcement action.
 - Where underlying causes such as substance abuse are identified, a commitment to undertake appropriate rehabilitation work.
 - The co-ordination of multi agency support for the assisted household. We will seek inter-agency co-operation (e.g. health, social services, schools, benefits), to maximise the benefit of multiple efforts and inputs.
- 6.5 When enforcement action is taken against vulnerable individuals (eg mental health issues, drug or alcohol problems) we will ensure that access to our support programmes has been made available. If our support services are not suitable we will work with our partners in the NHS Trust and the voluntary sector specialist support providers to ensure that all alternatives are explored and that the individual has access to appropriate support. To this end, Incommunities chairs a monthly Adult ASB panel which is attended by WYP, Adult Social Care, ARCH, CMHT, WYFS and other relevant support agencies.
- 6.6 We will work within our communities to provide positive activities for young people. In this way we will seek to divert young people in our communities away from activities which may cause nuisance. Incommunities are a lead partner with West Yorkshire Police camps. These camps are week long events throughout the year for young people aged 9-15 years which take place during the school holidays, combine sport and other fun activities with education workshops in addition to teaching young people about anti-social behaviour and providing diversionary activities for them.
- 6.7 We will seek to resolve problems at an early stage before conflict develops by the provision of a mediation service. Our professionally qualified Mediation Officer will be made available to provide a means of conflict resolution by mediated agreement. We will identify situations which are suitable for mediation as soon as they come to our attention and we will offer access to this service in such cases. The service will aim to solve

disputes at an early stage and prevent minor problems becoming serious and difficult to address.

7.0 Use of Enforcement Tools

7.1 There are a range of “tools” both formal and informal, that are available to us to combat ASB and Hate Incidents. We will adopt the measure that is appropriate and proportionate to the seriousness of the behaviour. Where the circumstances permit we will use these tools in an incremental way to deliver an effective response to ASB and Hate Incidents, our emphasis will be on bringing about real changes and improvements in behaviour of those who commit ASB and Hate Incidents. In this way we will use eviction only when no other solution is appropriate.

7.2 The informal tools that we will use and the order in which they escalate are as follows:

- **Early and informal interventions:** informal approaches are successful in resolving the vast majority of ASB and Hate Incidents cases, they can stop bad behaviour before it escalates. They extend from making an individual aware of the impact of their behaviour to conveying the threat of more formal enforcement action. It will be for our frontline officers to decide how and when to use these approaches.
- **Mediation:** an effective tool in resolving neighbour disputes, noise problems and similar issues. Skilled mediation facilitates a dialogue between the parties to enable them to reach their own solution. We will provide a professional mediation service for individuals who are willing to participate in a mediation process.
- **Warnings:** we may respond by warning an individual about their conduct. Warnings may be verbal, written or final. Officers will interview the complainant and perpetrator (if possible) before issuing a warning and must be satisfied that there is evidence of unreasonable behaviour. Warnings will be specific about what behaviour has caused the issue and the consequences of non-compliance.
- **Acceptable Behaviour Contracts (ABCs):** a written form of agreement between a perpetrator of ASB and Incommunities which sets out the standard of behaviour we expect. Ideally they are negotiated agreements as this encourages compliance. Although there is no formal sanction for breach individuals will be made aware that non-compliance will lead to formal action.

7.3 The formal tools which we will use have recently been substantially revised. We will seek to make good use of the new measures:

- **Civil Injunctions:** We will seek injunction orders to restrain conduct causing nuisance or annoyance which affects the occupation or the management of our homes. We will use these orders to provide a fast and effective protection for victims and witnesses.
We will use the new power to seek orders against young people where their behaviour is sufficiently serious to make this a reasonable and proportionate response.
We will use the new power to impose positive requirements as part of an injunction order. Where appropriate we will seek Orders requiring perpetrators to address the underlying causes of their ASB.
We will work with partner agencies such as the Youth Offending Team to develop the provision of positive requirements.

We will ask the Court to make exclusion orders, make interim orders, make without notice orders and to order Powers of Arrest where these are reasonable and proportionate requests to restrain ASB and Hate Incidents and to protect victims.

- **Community Protection Notices (CPN):** a CPN can be issued to stop a person committing persistent conduct which has a detrimental effect on persons in the locality. If the notice is breached a fixed penalty notice may be issued. CPNs may only be issued by an authorised person. We will ask the Local Authority to authorise our tenancy enforcement officers to issue CPNs.
- **Possession proceedings:** we will use possession proceedings when there is no other viable response, either because the alternatives have tried and failed, or because the issue is so serious that no other response is appropriate.
- **Suspended possession orders:** Sometimes the outcome in possession proceedings is a Suspended Possession Order (SPO). This is where a possession order is granted but then suspended for a period of time – usually 1-2 years. These orders are monitored closely to ensure compliance by the tenant.

Discretionary Grounds

Discretionary Grounds for possession are grounds which are subject to a “reasonableness test”. That means that even though the Ground is proved the Court has a discretion whether or not to make (or to suspend) an order if it thinks that it is reasonable to do so.

We will use the discretionary Ground 12 (Breach of tenancy other than rent) and Ground 14 (nuisance and annoyance) to tackle ASB and Hate Incidents. We will use Ground 14 A (domestic violence) where that is appropriate.

We will use discretionary Ground 13 (Waste and Neglect) where the property has suffered serious damage by the tenant/ their household members/visitors

Where serious or persistent ASB and Hate Incidents occur during a starter tenancy we will use the Section 21 Notice and Possession procedure to terminate starter tenancies in accordance with our Starter Tenancy Policy and Procedure.

We will use the new discretionary Ground 14 (nuisance to the Landlord or Landlord’s employees) and Ground 14 ZA (conviction of an offence at a riot) in suitable cases.

Mandatory Grounds

Mandatory Grounds for possession are grounds where the Court has no discretion, if the Ground is proved the Landlord is entitled to a possession order.

The Anti social Behaviour, Crime and Policing Act 2014 has introduced a new Mandatory Ground for Possession Ground 7A. This Ground is made out if there has been either:

- a serious criminal offence committed in the locality
- a breach of an Injunction Order
- a Breach of a Criminal Behaviour Order (see below).
- a breach of a Closure Order (see below)
- a breach of an Abatement Notice

Incommunities agreed with tenants who transferred from Bradford MDC that it would not use mandatory Grounds for possession. It may however use this Ground in suitable cases in tenancies granted since transfer. We may use this Ground where it is justified in order to protect tenants and residents from the risk of interference with their enjoyment of their homes, or to protect our employees from harassment. We will not use this Ground solely to punish a perpetrator for a second time.

Tenants have the right to request a Review of a decision made by Incommunities to use Ground 7a. The process for the Review is contained in our Review Procedure.

7.4 In conjunction with our partners, who have access to these tools, we will participate in the delivery of the following interventions:

- **Closure of Premises Orders:** Closure Orders can be issued by the Police or Local Authority to close premises where serious nuisance or disorder have taken place. We will work with the Police and the Local Authority to provide them with information and support to pursue closure orders in suitable cases.
- **Environment Act:** action for Statutory Nuisance (e.g. Noise Abatement Notices). We will work with Bradford, Kirklees and Wakefield DC Environment Team to provide information and evidence to serve Abatement Notices and prosecute breaches in suitable cases.
- **Public Spaces Protection Orders:** PSPOs may be made by the Local Authority if activities are being carried out in a public place which are detrimental to the quality of life of those in the locality and which are both persistent and unreasonable. We will work with the local authority to identify issues which may be addressed by a PSPO and to provide evidence to support an order where this is justified to protect our communities from nuisance.
- **Restorative Justice:** We will offer restorative justice approach in suitable cases. We will provide a forum where parties to a problem can meet in a controlled environment to resolve their problems through frank dialogue and in that way repair the harm which has been caused.

7.4 Additionally, in support of these measures, Incommunities will seek to ensure that properties are not let to persons who have been responsible for Anti-Social Behaviour and Hate Incidents in accordance with Incommunities Allocations and Lettings Policy

7.5 A detailed set of procedures has been produced in conjunction with this policy that outline the type of actions that can be taken and the timescales for such actions. They include fast track responses in serious cases. These are the timescales that we will work to:

- All reports will be quickly and formally acknowledged within 24 hours of the complaint being made
- We will contact the complainant to take details of the complaint within 5 working days
- We will carry out an investigation into the complaint – if appropriate – within 15 working days thereafter
- We will take action on the complaint within 5 working days thereafter
- In more serious cases, involving the use of threat of violence, a specialist Tenancy Enforcement Officer will respond to the complainant within 24 hours of receipt of the complaint.
- We will review our ASB complaints at least every 15 working days and we will contact the complainant to review the complaint during that period.

8.0 Putting the Victim First

- 8.1 Victims and witnesses reporting incidents need to be confident that their complaint will be taken seriously and that the incident will be fully investigated. We will use our resources to take the onus away from victims wherever possible. We will provide consistent support and encouragement to enable them to participate in the legal process and feel secure doing so. We will seek to ensure by legal and practical measures that witnesses and victims are supported and that the risk of enduring further incidents is minimised.
- 8.2 We will ensure that it is easy to report ASB and Hate Incidents. We will offer a variety of reporting methods that are accessible to all; through our Housing Offices, through our 24 hour hotline and through a dedicated email address
- 8.3 We will ensure that individuals can fully participate in the process by ensuring that the information, tools and equipment which we provide are accessible. We will provide information in alternative formats and languages as requested by our customers, and will ensure access to interpreters and signers as appropriate. We will deal with hate incidents in accordance with our Hate Incident procedure. (Appendix 5)
- 8.4 We will assess the risk to all ASB and Hate complainants and we will identify any support needs using the Home Office Vulnerability Matrix.
- 8.4 Incommunities has adopted a detailed statement of the measures which it will take to support victims and witnesses. (Appendix 2). Incommunities will deliver support as appropriate to each case in accordance with that statement. Key elements of our approach are:
- **Confidentiality:** it is central to our role as an organisation taking enforcement action against ASB and Hate Incidents that any information given to us is kept confidential and will not be disclosed or used without the agreement of the source.
 - **Communication:** we will prepare action plans in consultation with victims and witnesses, and ensure that they are kept up to date with the progress of the case. We will brief and prepare witnesses as to what to expect at Court appearances. We will use our concierge service to provide support and reassurance to victims and witnesses.
 - **Minimising the burden:** we will only ask witnesses to record evidence for us where it is necessary and where it is safe for them to do so. We will offer easy access to reporting via the concierge service to reduce the burden on witnesses. We will use the CCTV/Concierge service to record evidence wherever possible. We will use

technology to gather evidence where it is reasonable to support the complainant and in accordance with our Policy on Covert surveillance.

- **Practical measures:** we can undertake a number of target hardening and other steps to provide practical and physical support to witnesses who have a well-founded fear that they may be subject to reprisals and intimidation. These include: priority repairs, home security measures, the loan of noise recorders and Panic Alarms and monitoring through the CCTV system.
- **Legal Protection:** we will apply for Court Orders to protect witnesses from intimidation before during and after Court proceedings, we will use interim and “without notice” applications where necessary. Through the CCTV service we will offer a service for reporting breaches of orders.
- **Partners:** we will liaise with the Police to provide heightened reassurance and protection where there is a risk to witnesses.
- **Re-location:** In extreme cases we will consider re-housing a tenant who is a victim or witness within a geographically distinct area of the district where we believe that this is necessary and justified for their protection.

8.5 Involvement and Empowerment

9.1 We will work with our residents by involving them in our response to ASB and Hate Incidents and providing them with an effective input into our decision making. In this way we will build confidence in our capacity to respond to ASB and Hate Incidents.

9.2 Informing residents.

Together with our partners we will publicise our successes and work with the media to encourage positive reporting of the way in which we are tackling ASB and Hate Incidents.

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9.3 We will provide customers with regular updates of the actions we have taken to tackle ASB and Hate Incidents. We will use the Incommunities’ website and the @home newsletter to raise awareness of the positive activities which are being undertaken to respond to ASB and Hate Crime and how they might be involved in delivering solutions.

9.4 Reporting our successes in tackling problem behaviour in a positive manner will have a threefold effect:

- It will improve perception of the quality of those living in our neighbourhoods.
- It will build confidence in our services we and will encourage people to come forward and report problems to us in the knowledge that we will work to successfully resolve their problems.
- It will send a clear message to people who behave in an anti-social manner that this kind of behaviour will not be tolerated and that action can and will be taken.

9.5 Involvement the Community Trust Panel

We will provide an annual report on ASB and Hate Crime to our Community Trust Panel. The report will provide updates on the actions which we have taken and the developments in relation to ASB and Hate Incidents. We will invite them to feedback on the direction they wish our action to follow. We will consult with the Community Trust Panel on all developments in our response to ASB and Hate Incidents and any innovations which we propose to adopt.

9.6 Engaging Residents

We will hold regular feedback sessions with residents we will hold ad hoc feedback/information sessions in response to issues of concern. We will invite our partners to participate in these sessions. These “face the people” session will be an opportunity for Incommunities to identify priorities and develop action plans in response to issues of local concern.

- 9.6.1 We will facilitate audits of anti-social behaviour and hate Incident hotspots and environmental problems by involving residents in estate walkabouts to identify problems which are apparent from the physical environment (eg graffiti and fly tipping).
- 9.6.2 We will obtain customer feedback at the conclusion of every complaint of ASB and Hate Incidents to obtain feedback on the service which we have provided.

9.9 Community Trigger

The Anti-social Behaviour Crime and Policing Act 2014 requires us to provide a mechanism to enable the victims of ASB and Hate Incidents to hold us and our partners to account for the way we have responded to their ASB and Hate Incident complaints – The Community Trigger.

As part of the Bradford and Kirklees Stronger Community Partnerships and the Wakefield Hate Crime Strategic Group, Incommunities has agreed a process to implement the Community Trigger. The full process is at Appendix 3. The key elements are:

- The threshold for accessing the community trigger process is three complaints of ASB and or Hate Incidents over the preceding six months
- If the threshold is met the partnership members will meet and review the response which has been made.
- The outcome of the review will be to make any necessary recommendations to the lead agency
- The complainant will be informed of the outcome.

By embracing the Community Trigger concept we hope to give an additional voice to victims of ASB and Hate Incidents.

10.0 Partnership working

- 10.1 Incommunities recognise that we cannot deal with ASB and Hate Incidents on our own. The problem of ASB and Hate Crime exists throughout the whole community and no one agency holds all of the answers or potential solutions.
- 10.2 We will therefore work with a number of other agencies to enable us to respond in the most effective and appropriate way to ASB and Hate Incidents . We will co-ordinate our action with our partners to formulate a package of measures to tackle complex problems.
- 10.3 We will work with our partners at all levels to achieve the best response, this will include:
 - **Stronger and Safer Community Partnership:** Incommunities will participate in the Bradford and Kirklees Stronger, Safer Community Partnerships and the Wakefield Hate Crime Strategic Group (the Crime and Disorder Reduction Partnerships for the Bradford, Kirklees and Wakefield Districts). We will contribute to the development

and delivery of a wider strategy for the delivery of a response to crime (including ASB and Hate Incidents) in the Bradford, Kirklees and Wakefield Districts.

- **ASB Management Panel:** Incommunities has supported the development of an ASB Management Panel for the Bradford District. The Panel is a forum at which all the agencies with an interest in or responsibility for ASB and Hate Incidents can refer individuals who are known to be responsible for ASB and Hate Incidents. The Panel meets to agree a collective, co-ordinated multi agency response. The panel comprises Police, Council, Social Services, Education, Housing Providers, Youth Offending Team, Probation, Families First Project and other agencies as required. Incommunities will continue to support and work within the framework provided by the Panel.
- **BMDC Environment:** Incommunities has a large cross-over of casework with the Environment Team at Bradford Council in relation to complaints of noise nuisance. We will continue to work closely with the Environmental Health officers in such cases and we will agree a protocol with the Environment team to secure that there is no duplication of work and that we each support the action taken by the other. We are also committed to working with our colleagues in the Environment Teams at Kirkless and Wakefield Councils.
- **Police:** Utilising ‘Designing Out Crime’ opportunities, in particular through planned maintenance and improvement programmes. We will liaise closely where criminal activity has taken place and share information and evidence to support the most appropriate action.
We will develop processes for exchanging information about serious criminal offences for the purpose of possession proceedings (see section 7.3 above)
- **Floating Support Providers:** we will engage with floating support providers to ensure that specialist support services are available to tenants with complex support needs which exceed Incommunities’ own capacity. We will equip our officers to identify the appropriate support provider for each specific type of issue and provide the means to make the necessary referrals.
- **Families First Project** We will work in conjunction with the Bradford, Kirklees and Wakefield Families First projects to deliver intensive Family intervention in households identified as “Troubled families”
- **Youth Offending Team and Probation Service:** we will work with the YOT and probation to develop positive interventions for young people and adults who are the subject of Injunction proceedings. We will liaise with them in order to apply for positive requirements in Injunction Orders and to report on compliance and support enforcement.
- **Neighbourhood Management Groups**
We will attend MGM meetings in the Kirklees locality and work with statutory partners to identify and address ASB and Hate Incidents issues which have local areas and schemes

10.4 We will, where appropriate, share information with our partners, for the purposes of prevention and detection of crime and disorder, under the provisions of Crime & Disorder Act, 1998 s115.

All information will only be shared in line with approved Information Sharing Protocols of the appropriate bodies, including West and South Yorkshire Police and the local authorities for the areas in which we work, where such information sharing protocols exist. We recognise that confidentiality is fundamental to developing a relationship of trust with complainants. We will ensure that all data and information handled and used for the purposes of combating anti-social behaviour, and Hate Incidents will be done with due regard to the provisions of the Data Protection Act, 1998. This will guarantee therefore that the identity of persons who supply information will remain confidential, unless we have their permission to reveal it to any other agency.

In the case of non-statutory organisations, Incommunities will develop specific information sharing protocols to enable information to be shared lawfully.

10.5 We will pursue opportunities to enhance our partnership working whenever they arise and we actively initiate closer co-operation with our principal partners.

11.0 Inclusion and Cohesion

11.1 Incommunities recognises the particular damage caused to communities by ASB motivated by race, religion, gender, sexuality, disability or other protected characteristics. We also recognise that an effective approach to tackling ASB and Hate Incidents can have a positive effect on community cohesion. We will deal with reports of race or other hate based ASB seriously and sensitively. We will take prompt and effective action to support the victim and tackle the perpetrator

11.2 Incommunities will have regard to diversity in relation to reporting ASB and Hate Incidents. We will provide straightforward reporting methods which are accessible to all. We will ensure sensitivity in relation to reporting Hate Incidents. We will ensure that when taking action we will consider the needs of vulnerable or disadvantaged groups.

12.0 ASB issues

Certain forms of ASB regularly confront us or present particularly difficult problems to resolve. In this section we will set out our approach to some particular issues.

12.1 Cannabis Cultivation and Production

The use of an Incommunities property for the cultivation of cannabis is an issue which we face with increasing regularity. It is a serious criminal offence, it is a breach of our tenancy agreement, it represents an abuse of access to social housing and the production, use and dealing in cannabis has a pernicious effect on the local community.

When we have evidence of the use of our property for cannabis cultivation we will always take a serious view. In serious cases we will pursue possession action. Factors which we will take into account in determining seriousness are:

More serious:

- Large scale operation
- Operated for profit , evidence of commercial activity
- Involvement in a wider organisation
- Repeat offence
- Linked to theft of electricity

Less serious

- Small scale operation
- Quantities indicate for own use
- First offence
- Acting alone.

12.2 Electricity theft

The theft of electricity by bypassing a domestic meter or in some other way interfering with the electricity supply is an issue we are facing on a regular basis. It is a serious criminal offence; it is a breach of our tenancy agreement and it presents a serious risk of harm or death to the perpetrator, our operatives and to other tenants or residents.

Our approach to meter bypass cases is informed by the following considerations:

- Making the initial connection to a live terminal carries a high risk of electrocution. Domestic supplies are 230v electric shock is likely to prove fatal.
- Once the connection has been made the security of the electrical installation is compromised and any person entering the meter area is at risk of electrocution from the insecure bypass wire.
- Illegal connections are rarely secure or made with adequate cable. A badly made connection or a connection made with inadequate cable is likely to cause sparking, overheating, and fire creating a risk of injury and death to the perpetrator and adjoining tenants and residents.

Our starting point in dealing with meter cases is that we will seek a possession order.

Factors that we will consider in reaching a decision are:

More serious

- Long standing theft
- Evidence of melting/sparking etc showing obvious risk to property and life
- Repeat offence
- Linked to cannabis cultivation.

Less serious

- Short duration
- Low value involved.
- Genuinely motivated by poverty

12.3 Hoarding

Hoarding is a generic term for a range of behaviours the common feature of which is the acquisition and retention of apparently valueless material to the extent that it impacts on the hoarder's ability to manage his home and his life.

Hoarding is frequently accompanied by extreme self-neglect and domestic squalor. It is highly likely to impact on neighbours through, smells, flies, unsightly property, risk of fires and in extreme cases damage to the fabric of a building.

In 2013 the County Durham Coroner dealing with the death of a social housing tenant from smoke inhalation after he had become trapped in his home by accumulated rubbish issued a Rule 43 letter to social landlord's requiring a prompt response to hoarding problems.

Hoarding is not recognised as a disorder in itself but it can be a symptom of many other psychiatric disorders. It presents a particular challenge to Incommunities to strike a balance between dealing with the risks created to others and the impact on an individual who may be subject to a psychiatric or other disorder. Incommunities has adopted a specific policy and procedure to guide its response to hoarder cases. The policy is at Appendix 4. The key elements of the Policy and procedure are:

- Gather information
- Seek support – professional and informal
- Work with the tenant to achieve improvements
- Identify support needs and seek to engage suitable support
- If these steps do not produce an acceptable improvement within a reasonable period of time refer for enforcement action.
- Enforcement action will be undertaken where all other reasonable options have been exhausted or have not achieved an improvement within a reasonable period of time. If possible an injunction order will be sought and possession action only pursued as a last resort.

Incommunities response will at all times be directed to resolving the issue and will be proportionate. However, in cases where West Yorkshire Fire and Rescue Service have identified a significant risk to Health and Safety such as fire loading in a high Rise block of flats the NHO should make an immediate referral to TET.

12.4 Irresponsible Horse ownership

Incommunities estates are laid out as traditional social housing estates and incorporate large areas of unattributed green open space. Our estates have a minority of residents who keep horses for reasons of culture and tradition or simply to support economic activity (drawing wagons used to collect scrap metal).

This practice escalated recently; in 2011 the statutory agencies working on the estates (Bradford MDC, West Yorkshire Police and Incommunities) began to undertake a fortnightly "horse audit" to assess the scale of the issue. During the early part of 2011 over 90 horses were regularly counted on Holmewood estate alone.

The issues created by such a number of animals on a residential housing estate are self evident but others are less obvious:

- Areas of public access land unusable through damage/fouling caused by horses;
- Areas of public access land inaccessible through the presence of large animals in areas which might otherwise be used for leisure activities, eg. horses tethered in childrens' play areas
- Horses tethered on grass verges with access to footpaths preventing pedestrian use
- Horses being placed in residents' gardens as a means of intimidation
- Serious injury caused by biting or kicking by tethered horses;

- Horses in close proximity fighting;
- Incidents of horses loose on the Highway causing damage and accidents.
- Distressing cases of animal neglect arising from horses being effectively abandoned.

Together with our partner agencies we take a “carrot and stick” approach to getting the problem under control. We encourage and support responsible horse ownership and we act to deter and enforce against irresponsible horse owners. The core elements of the positive element of this approach are:

promote lawful responsible horse ownership by:

- A “horse passport” scheme supported by identification chipping;
- Facilitating access to land available to rent for keeping horses;
- Education sessions at local schools promoting the responsibilities and costs which come with horse ownership;
- Bradford MDC created a register of land available to rent for equestrian use either within their own ownership or privately;
- Support sessions at which, for example Vets attend to advise on animal health and welfare

And for those who remain unwilling to keep horses in a reasonable, responsible way:

- Through the Neighbourhood Housing and Tenancy Enforcement Officers-actively challenging irresponsible horse ownership and seeking direct evidence to support interventions against irresponsible horse ownership by warnings, injunctions and possession proceedings.
- Co-operating with Bradford MDC seizure and impounding service;
- All three agencies agreed to work collaboratively to use their respective enforcement powers.

12.5 Quad bikes/off road bikes

One of the most significant, and growing sources of ASB complaints is the irresponsible use of quad and motor bikes both on the road and on public open spaces. Nuisance is caused by:

- Noise and disturbance
- Green spaces becoming unsafe to use
- Dangerous riding on roads and footpaths
- Illegal use of unlicensed and uninsured bikes on the highway

In response to this issue we will work alongside Bradford City Council and West Yorkshire Police ensuring an exchange of information and multi-agency working where appropriate to improve the nuisance bike situation in the Bradford District.

In addition we will engage with the local community, both quad/motorbike owners and non-owners, to highlight the problems nuisance bikes/ riding irresponsibly creates. We will encourage residents to report sightings of quads/motorbikes causing nuisance or being ridden in a dangerous manner on Incommunities and Council land in order to

promote responsible ownership and take appropriate action where breaches of legislation and tenancy agreements occur.

Our Officers will act as professional witnesses giving direct evidence of the keeping and use of Quad/motorbikes so as to relieve residents of the onus of giving evidence in person.

We will seek civil injunctions to restrain the use of quad bikes against anyone who is found to have used a bike in a way that caused nuisance and annoyance to our tenants. In the event of persistent behaviour we may pursue possession proceedings or an exclusion injunction order.

13.0 Training

13.1 In order to provide an excellent service we will ensure that staff are properly trained to use the procedures to combat ASB and Hate Incidents.

13.2 The training programme will ensure all staff:

- Are aware of the issues surrounding ASB, harassment and Hate Incidents
- Understand the legislation surrounding ASB, Harassment and Hate Incidents and the powers available to us
- Understand the importance of dealing with such problems promptly
- Are able to record details of reported incidents fully and accurately
- Understand the need to pass the details to the appropriate member of staff promptly
- Are able to provide the complainant with practical information, advice and support
- Are fully aware of the need to treat the complaint sensitively and confidentially.
- Understand and are sensitive to issues of diversity.

13.3 It will also ensure that staff who are responsible for investigating reports of ASB and Hate Incidents

- Are able to effectively prioritise complaints and deal with them appropriately
- Understand the need to act promptly and fully investigate a complaint
- Aware of all the options available to them and are able to use these to deliver an effective, proportionate and timely response to problems.
- Are aware of the options available to support victims and witnesses and are able to utilise these effectively.
- Are aware of best practice in this field and are up to date with initiatives at a national and local level.

13.4 We will also strive to raise awareness of the issues surrounding ASB Hate Incidents within Incommunities by providing training and briefings to Board and Community Trust Panel Members, Tenants and Residents Groups, and other agencies/departments as may be required.

14.0 Monitoring

14.1 Monitoring reports will be provided to the Director of Legal Services, Community Trust Panel and the Housing Association Board on a yearly basis. These reports will include

performance information and any other reports the Boards feel may improve service delivery.

- 14.2 The Tenancy Enforcement Team will report quarterly on its core performance measures to monitor the effectiveness of this Policy. These include:
- Number of new ASB and Hate Incidents cases
 - Number of live ASB and Hate Incidents cases
 - Number of early intervention actions for each action type
 - Number of pre-legal enforcement actions for each action type
 - Number of legal enforcement actions taken for each action type
 - % of complainants satisfied with the way that their ASB/ Hate complaint was dealt with
 - % of complainants satisfied with the outcome of their complaint.
- 13.3 We will provide ASB and Hate Incident performance measures via a performance report for every Community Trust Panel meeting.
- 13.4 We will monitor the cost of the provision of our ASB and Hate Incident response and we will benchmark the cost of our ASB service provision with comparable organisations.
- 13.5 We will monitor the progress of individual cases as an ongoing operational process by means of regular file reviews and case review meetings, where appropriate between line managers and the individual officers responsible for case management.

14.0 Best practice and Review

- 14.1 There will be an automatic review of this policy whenever there is a change of statutory or regulatory provisions, or when other Best Practice information becomes available that will impact on the policy. In any event there will be a substantive review of this policy every 3 years.
- 14.2 In addition, the Policy and the accompanying procedures will be subject to ongoing scrutiny and operational review, in consultation with all relevant stakeholders and with regard to the feedback obtained by virtue of the resident involvement measures set out in section 9.

15. Associated Policies

- Statement of Policy on Victim and Witness Support
- Equality & Diversity Policy
- Domestic Abuse Policy
- Scrutiny and Customer involvement
- Data Protection Policy
- Allocation and Lettings Policy
- Safeguarding Policy

Appendix 1 Strategic Context

Strategic Context	Policy cross reference
Housing Act 1988 as amended by the Anti social Behaviour, Crime and Policing Act 2014	Use of tools and powers – section 7
Housing Act 1996 As amended by Anti Social Behaviour Act 2003, Police and Justice Act 2006 and the Anti social Behaviour, Crime and Policing Act 2014	Adoption of ASB policy Use of tools and Powers – Section 7
Anti-social Behaviour Act 2003	Use of tools and powers – Section 7
Crime and Disorder Act 1998	Information sharing - section 10 Tools and Powers – section 7
Anti social Behaviour, Crime and Policing Act 2014	Use of tools and powers – section 7
Children Act 1989	Bradford ASB Management panel – section 10
Housing Act 2004	Use of tools and powers – section 7
Equality Act 2010	Throughout the Policy
Public Order Act 1986 as amended by Racial and religious Hatred Act 2006	Hate Incident Procedure Appendix 5
Human Rights Act 1998	throughout
Homelessness Act 2002	throughout
Data Protection Act 1998 and May 2018 General Data Protection Regulation (GDPR)	throughout, section 10
HCA regulatory framework, consumer standard tenancy, neighbourhood and community	throughout
Anti social Behaviour, Crime and Policing Act 2014 – Statutory Guidance	throughout
Supporting victims and witnesses to cope and recover– Home Office	Putting the victim first section 8
Code of Practice for victims of crime – Home Office 2009	Putting the victim first section 8
Bradford , Kirklees and Wakefield Safer Stronger Communities Partnership Plan priorities: Area priority: tackling ASB District priority: Hate crime Theme: neighbourhoods and reassurance	Partnership working Section 10
Office of the Police and Crime commissioner – Police and crime Plan 2013-18	throughout
Incommunities Allocations and lettings Policy	
Incommunities Equality and Diversity Policy	
Incommunities Domestic Violence Policy	
Incommunities Hate Incident Procedure	Appendix 5

Incommunities starter tenancy policy	
Incommunities covert surveillance policy	

Appendix 2 Policy Statement on Witness Support

STATEMENT OF INCOMMUNITIES WITNESS SUPPORT MEASURES – PUTTING THE VICTIM FIRST

1. INTRODUCTION

Residents within Incommunities' estates who suffer or witness anti-social behaviour or breaches of the tenancy agreement are often reluctant to appear as witnesses in Court

The reason for this may simply be that the potential witness is intimidated by the thought of going to Court and giving evidence, or that the potential witness has a real fear of reprisals from person(s) action is being taken against.

Success in legal cases for both the victim and Incommunities rests on people being prepared to report incidents and then give support to Incommunities in taking action.

Victims and witnesses need consistent support and encouragement to be able to participate in the legal process and feel secure doing so. Caseworkers must remember that these individuals have actually suffered harassment and nuisance, and that in some cases incidents of harassment actually escalate when perpetrators realise action is to be taken. Engaging in legal action can heighten the level of risk to victims and witnesses. Therefore everything possible should be done to make sure that witnesses and victims are supported and that the risk of enduring further incidents is minimised.

Victims and witnesses reporting incidents need to be confident that their complaint will be taken seriously and that the incident will be fully investigated. Incommunities' ASB and Hate Incident policy contains a commitment to supporting victims and witnesses throughout the enforcement process. This statement is intended to set out in more detail how we deliver that commitment.

2. OUR PROMISE

Incommunities will take all reasonable steps to protect and support victims and witnesses in ASB and Hate Incident cases, and will work in partnership with other agencies to provide co-ordinated protection and support.

3. KEY ELEMENTS IN THE DELIVERY OF WITNESS SUPPORT

3.1 Confidentiality

It is central to our role as an organisation taking enforcement action against ASB and hate incidents that any information given to us is kept confidential and will not be disclosed or used without the agreement of the source. This means:

- We will not disclose the names and addresses of any victim or witness to any other organisation or individual without their informed consent.
- We will guarantee to witnesses and complainants that the information they give to us will only be used by us when, and in ways to which, they have expressly agreed.
- We will make use of the Hearsay evidence rules to prepare hearsay statements for vulnerable and intimidated witnesses in appropriate cases. This means that information from witnesses who are too afraid to attend Court because of a genuine and well founded fear of reprisals or intimidation can be presented to Court by Officers acting as professional witnesses and presenting the information reported to them without identifying the source of the evidence. We will offer this option to witnesses in suitable circumstances and guarantee to them that we will not disclose their identity in the course of the Court proceedings.

3.2 Communication

We will prepare action plans in consultation with victims, witnesses and legal advisors, and ensure that victims and witnesses are kept up to date with the progress of the case on a regular and timely basis.

We will explain what action has been taken and why, and if no action is possible the reasons why must be clearly explained.

We will brief and prepare witnesses as to what to expect at Court appearances.

We will provide witnesses with copies of any Orders which have been secured and we will explain to them the terms of the Order and what action to take if they believe that the Order has been breached.

Where it is appropriate to the needs of the victim or witness, we will provide witnesses and victims with a Recorder to record their evidence.

We will provide interpreters and translation services as necessary.

We will provide victims and witnesses with the contact details of their ASB caseworker.

3.3 Minimising the Burden on Complainants

Incommunities provides victims and witnesses with a log book to allow incidents to be continually recorded. We recognise that completing these logs is often perceived by complainants to be time-consuming and difficult task and that the value of it is not always clear. We will offer the option of calling the CCTV service to log complaints if witnesses prefer this, (see below). If we do issue incident logs we will take the following steps to minimise the burden on victims and witnesses:

- We will always explain why logs provide a valuable source of evidence and we will give guidance to victims/witnesses on how to complete them.
- We will agree with the victim as part of the action plan what action we will take based on the log evidence.
- When we first ask a witness or victim to start to complete logs we will always fix an appointment for us to review the logs which have been kept.
- We will only issue logs in appropriate cases. We will not issue logbooks in cases where it is not necessary to demonstrate that further incidents of anti social behaviour have taken place in order to take action.

In appropriate cases, we will consider the use of recording equipment to gather evidence where those affected by the behaviour are too afraid to give evidence.

We may issue recording devices to complainants to enable them to record noise as it affects them. We may use covert surveillance cameras if this is the only way of securing evidence of serious ASB and hate incident issues. Covert cameras will be deployed in accordance with our policy and procedure of covert surveillance.

We will use our CCTV/Concierge service to support victims and to reduce the onus placed on them in the following ways:

- We will offer regular reassurance calls to victims who would like that;
- We will facilitate the logging of complaints by making a call to the service as an alternative to completing incident logs.
- We will use the service to contact the perpetrator where this is possible.
- We will act as liaison between victim and Police in the event of breaches of orders with Powers of Arrest attached.

Our procedure for using the CCTV concierge service is attached at the end of this Statement.

3.4 Obtaining Legal Protection for our Witnesses

We will consider the use of Court Orders to protect witnesses before, during and after Court proceedings.

In suitable cases where we are considering an Injunction application, we will apply for the witness protection provisions of the Order to be implemented without notice to the Defendant. This is to ensure that the Defendant is subject to restraints on his/her behaviour toward our witnesses from the moment that he/she becomes aware of the action that is being taken against him/her. We will ensure that the witness protection measures continue in any full Injunction Order for a suitable period.

In possession cases we will apply for Interim Injunction Orders to protect witnesses at the commencement of proceedings where this is necessary.

The legal officer assigned to each case will advise on the availability of these remedies in each case and will make all necessary applications.

3.5 Practical Measures to Secure Witness Safety and Confidence

We can undertake a number of target hardening and other steps to provide practical and physical support to witnesses who have a well-founded fear that they may be subject to reprisals and intimidation:

- In cases where the witness is a tenant who fears that damage may be caused to his/her property, the Tenancy Enforcement Officer and Housing Officer will liaise together to offer an undertaking that Incommunities will carry out any repairs promptly. In cases where the witness is not an Incommunities tenant the Tenancy Enforcement Officer will liaise with any other social landlord to secure a similar commitment to carry out repairs.
- In cases where damage to private property is feared the Tenancy Enforcement Officer and the Housing Officer will liaise together to consider an offer to meet any excess charge on a property insurance claim.
- Where necessary we will provide increased security to the homes of witnesses and victims. Such measures could include:

Additional window and door locks
Spy holes in doors
Toughened glass in door panels
Fireproof letter boxes.

- We can offer the loan of equipment to give witnesses additional personal security including: the loan of the “office mobile phone” to witnesses who may need to make a call to the emergency services but who do not have a landline or mobile phone of their own; the loan of personal attack alarms to provide some additional security to witnesses who fear confrontation in a public place; we can offer the loan of camcorder or digital camera to witnesses who wish to use such devices to record/deter threats or reprisals.
- We can call upon our internal resources in appropriate cases, for example by asking concierge services or Estate Wardens to pay particular attention to meet the needs of a witness.

3.6 Working with our Partners to Support and Protect Witnesses

Witness support can be provided more effectively in conjunction with other agencies.

These agencies include but are not limited to:-

Local Courts
Police and Crime Prevention Services
Social Services
Bradford Hate Crime Alliance
Specialist agencies for particular client groups, e.g., MIND, Age Concern, RNID and RNIB.

Incommunities works in close partnership with the Police. The help of the Police to support witnesses may be enlisted at a number of levels:

- In joint meetings with witnesses and a uniformed police presence at Court for reassurance purposes.
- In cases where there is a possibility of reprisals against witnesses and victims we will inform the police and request their assistance in the form of heightened visibility Policing for the duration of Court proceedings. For example, having Police Community Support Officers regularly patrolling the area is a measure which provides both reassurance to the witness and deterrence to the perpetrator.
- In very serious cases where an immediate risk of physical attack is likely Incommunities can apply to the local Police Inspector for a Police alarm to be fitted at the victim/witness’s home address. When activated the alarm will trigger a 999 call from the witnesses address. Requests for Police alarms will be made by the Tenancy Enforcement Officer in suitable cases.
- Crime Prevention Services can be engaged to advise on the target hardening measures outlined above.

Local Courts will co-operate with Incommunities to ensure the safety and confidence of witnesses throughout the Court process by arranging pre-hearing visits to the Court premises in order to ensure that witnesses are not overwhelmed by unfamiliar surroundings on the day of any hearing. The local Courts will also co-operate to reserve witness rooms so that we can ensure that witnesses do not come into contact with Defendants prior to Court hearings. We

will undertake to transport victims/witnesses them to and from Court and make arrangements to ease the stress of these occasions.

In cases in which we believe that the Witness/Complainant may have support needs we will liaise with Social Services or other specialist agencies to work together to meet those needs.

3.7 Witness Relocation

In extreme cases witnesses may refuse to support enforcement action while they remain resident within “striking distance” of the alleged perpetrator. In cases where tenants are witnesses we will consider agreeing to a relocation within a geographically distinct area of the district where we believe that this is necessary and justified for the protection of the witness. When considering such requests the following are relevant:

- Is there clear evidence to suggest that there is a real risk of reprisals to the witness, the witness’s family or property?
- Is the witness vulnerable to reprisals?
- Is the request to move to an area which is sufficiently distant from the perpetrator to offer real protection?

It is important when dealing with such requests to avoid any possible suggestion that the witnesses evidence is being “bought” by granting a transfer to a better property or a more desirable area. There should be equivalence between the property being left and the new property wherever possible.

In very serious cases relocation out of the District may be the only possible means of protection. Incommunities has subscribed to the National Witness Mobility Scheme for use in such cases. Under the terms of the scheme witnesses may be relocated by other Housing Providers within geographically distinct areas of the country. Applications to approach the Service for relocation under the scheme should be made through the Tenancy Enforcement Team.

4. IN CONCLUSION

At the end of the case we will feed back to the witnesses and victims what has actually been achieved. Thank the witnesses and victims for their contribution to the case and stay in contact with the witness for a period of time to be agreed with the victim or witness.

Out of Hours Victim Support Procedure

1. Introduction

Incommunities will provide an out of office hours support service using our concierge service to provide reassurance to victims and witnesses suffering incidents of anti-social behaviour (ASB and Hate incidents), to witness and record evidence of ASB and hate incidents and to report breaches of orders.

2. Monitoring service – CCTV coverage

For properties where there is CCTV coverage, Incommunities will use the CCTV system to monitor properties and localities where ASB and hate incidents has been reported for evidence of further incidents of ASB and Hate incidents.

Monitoring comprises:

- Maintaining an awareness of the possibility of issues arising at the address/locality;
- carrying a regular camera sweep of the locality/ property in question;

- creating a VTAS report of any ASB/ hate incident noted.
- If there is a Court Order with Power of Arrest in place reporting any conduct in breach of the Order to the Police.

Monitoring will only take place in existing ASB and Hate Incidents managed by the Tenancy Enforcement Team (TET). The TET officer will request that the monitoring be carried out using the Monitoring Request Form (appendix one).

3. Witness reassurance service

Witnesses and complainants often feel that they are left unsupported outside of normal office hours. To counteract this we will contact witnesses who want it to reassure them of our support.

Reassurance comprises:

A. During the week:

- A phone call made by the CCTV staff to the witness (frequency to be agreed).
- The CCTV operative will introduce himself explain why they are calling (to remind the customer of contact arrangements), how long they will be available i.e. until midnight and identify the person who will be available on the following shift i.e. midnight-8am to the customer.
- They will ask the customer if they would like a further call and give them their telephone number so that they can report any incidents that occur. **The customer will decide if they would like a further call.**
- The CCTV operative will explain how they can help by logging reports of ASB and Hate incidents or witnessing noise nuisance over the phone

B. During the weekend:

- the operative on each day shift will call the customer, they will introduce themselves, give their colleagues name for that day/evening/night shift,
- ask the customer if they would like a further call and give them their telephone number so that they can report any incidents that occur. **The customer will decide if they would like a call during each shift or daily.**
- Tell the customer how long they will be available i.e. until midnight and identify the person who will be available on the following shift i.e. midnight-8am to the customer.
- The CCTV operative will explain how they can help by logging reports of ASB and hate incidents or witnessing noise nuisance over the phone.

Reassurance will be offered in existing ASB and Hate Crime cases managed by the Tenancy Enforcement Team (TET). The TET officer will request that the reassurance be carried out using the request form (appendix two).

4. Witness Support service

Incommunities wants to take the onus away from complainants to record evidence of ASB and Hate Incidents. Whenever we ask complainants to keep written incident logs Incommunities will offer the option of ringing the CCTV service and creating a log of the incident through the service.

The witness support comprises:

- If the property/location has CCTV coverage and the incident is potentially on camera the operative will seek to record evidence of the incident and will create a corresponding VTAS log.

- If the property/location has concierge service the operative will offer to contact the perpetrator and speak to them about the complaint and if appropriate to reduce the noise.
- If there is no CCTV or concierge coverage the CCTV operative will take details of the complaint from the customer and will create a written record of the complaint.
- If the CCTV operative can hear the noise complained of over the telephone he will include a record of what he has heard in the written log.
- In cases where we have obtained an injunction order with a power of arrest attached, when a customer reports an incident which amounts to a breach the concierge will take details of the breach and offer to contact the police to report the breach.

TET will maintain a spreadsheet of all live injunctions and powers of arrest and will keep this up to date, TET will share the spreadsheet and will lodge copies of all injunction orders with powers of arrest with CCTV monitoring service.

CCTV operatives will record reports of ASB and Hate Incidents using the form at appendix 3 and will pass these reports to the TEO/NHO by email.

5. Out of Hours ASB line.

Incommunities maintains a dedicated phone number to enable customers to log reports of ASB and Hate Incidents. This is a phone line through to the CCTV monitoring service who will take calls and record ASB and Hate Incidents using the form at appendix 3. The CCTV operative will then forward the complaint record through to the relevant TEO/NHO by email.

Appendix 3 Community Trigger

Bradford and Kirklees District Anti-Social Behaviour Partnership Community Trigger Process

1. Introduction

2. ASB Strategy & Performance Group, part of the Safer Kirklees initiative.

- 2.1 The Bradford and Kirklees District Anti-Social Behaviour Unit (ASBU) comprises of staff from the West Yorkshire Police and Bradford and Kirklees District Councils and is committed to working in partnership to reduce crime and anti-social behaviour (ASB) in the Bradford and Kirklees Districts.
- 2.2 The Bradford and Kirklees District ASBU forms part of the Bradford District ASB Management Group and the Kirklees ASB Strategy & Performance Group which were established in order to facilitate a co-ordinated and well-informed early response by partner agencies to ASB and Hate Crime cases. It is available for use by all agencies in delivering a response to ASB and Hate Incidents issues in the Bradford and Kirklees Districts.
- 2.3 Key partners within the Bradford District ASB Management Group and the Kirklees ASB Strategy & Performance Group include West Yorkshire Police, Bradford and Kirklees District Councils, Incommunities and other Registered Providers, Youth Offending Team, Families First, Childrens' Services and Education.
- 2.4 The Bradford ASB Management Group and the Kirklees ASB Strategy & Performance Group is accountable to the Safer Stronger Communities Partnership (Bradford) and the Safer Kirklees Initiative (Kirklees).

3. Anti-Social Behaviour

- 3.1 Any behaviour that causes harm to individuals and communities can be considered anti-social behaviour (ASB).
- 3.2 'Anti-social behaviour' is any :
 - (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.

3.3 Anti-social behaviour will therefore include the following types of behaviours:

- Hate Incidents
- Aggressive Begging
- Hoax or Obscene Nuisance Calls
- Noise Nuisance
- Property Nuisance
- Rowdy Behaviour
- Street Drinking
- Intimidating or Aggressive Behaviour
- Harassment

4. Reporting Anti-Social Behaviour

4.1 It is important that any nuisance behaviour is dealt with by the most appropriate agency and not allowed to escalate. As a result there are a number of reporting mechanisms in place within the Bradford and Kirklees Districts , which enable victims and witnesses of ASB to report issues to the Bradford District ASB Partnership and the Safer Kirklees Initiative .

4.2 Complaints regarding ASB issues can be made to:

- Housing Association, Private Landlord or Letting Agency – regarding housing related problems
- Bradford Metropolitan District Council, Kirklees Council – regarding ASB, Hate Incidents and environmental health issues
- West Yorkshire Police – regarding community based crime or ASB and Hate Incidents

4.3 The Lead Agency will then record complaints as per departmental protocols and work with the wider ASB Partnership in order to resolve the reported ASB and or Hate Incidents issue. Legal and non-legal remedies, such as restorative justice, may be utilised during the investigation process.

4.4 The Lead Agency will also ensure that complainants are updated regarding their investigations and aim to resolve problems at the earliest opportunity.

5. Community Trigger Process

5.1 If a member of the public has made 3 separate complaints within the last 6 months, regarding 3 separate, potentially linked ASB incidents to a member of the Bradford District ASB Partnership or the Safer Kirklees Initiative, they can request a review of their case under the Community Trigger process.

5.2 It should be noted that the Community Trigger process is NOT a complaints process. If any member of the public wants to make a complaint to a member of the Bradford District ASB Partnership or the Safer Kirklees Initiative regarding a member of staff or the quality of service they have been provided with, local complaints procedures should be followed.

5.3 Requests from members of the public to activate a Community Trigger review can be made by :

- Email to the Bradford District NPT Support Hub (bradford.asb@westyorkshire.pnn.police.uk)
- Letter to the Bradford District NPT Support Hub
Jacobs Well, Manchester Road, Bradford, BD1 5RW
- Telephone to the Bradford District NPT Support Hub
(01274 373968)
- Email to Safer Kirklees
Antisocial.behaviour@kirklees.gov.uk
- Letter to Safer Kirklees
3rd Floor, Byram Street, Huddersfield HD1 1BY
- Telephone to Safer Kirklees
(01484 221000)

5.4 A member of the NPT Support Hub Staff will record the details of the Community Trigger Request on internal systems, and will also identify which ASB Partnership Agency is being complained about.

5.5 The information gathered at 4.3 will then be forwarded to the nominated Agency Single Point of Contact (SPOC) :

- Complaints about the Police to NPT Support Hub Sergeant
- Complaints about the Council, Social Housing Association or Other Agency to BMDC Strategic Support Officer, Safer Kirklees Senior Partnership Officer

- 5.6 The NPT Support Hub Staff will also acknowledge the receipt of the Community Trigger Request from the complainant and inform them who will be managing their case (SPOC). This will be conducted within 2 working days from the receipt of the request.
- 5.7 The SPOC will then research local computer systems with a view to collating sufficient information to enable 'relevant bodies' to assess whether the Community Trigger threshold has been met at a subsequent ASB Meeting. The SPOC will also request further information from other Partnership Agencies if required.
- 5.8 Requests for information from partners will be made within 5 working days of the initial Community Trigger Request.
- 5.9 Any requests for Information Requests made to Partner Agencies must be completed and returned within 10 working days of the request being made.
- 5.10 All applications for Community Trigger case reviews will be discussed at an initial ASB Meeting within 15 working days of the initial request, with a view to the 'relevant bodies' (Police, Council and Housing Manager) determining whether the Community Trigger threshold has been met or not met.

5.11 Mandatory Community Trigger Threshold

If a member of the public has made at least 3 'qualifying complaints' of ASB to a member of the Bradford District ASB Partnership, concerning 3 separate, potentially linked incidents of ASB, then the Mandatory Community Trigger 'threshold' will have been met.

- 5.12 A complaint about anti-social behaviour is a 'qualifying complaint' if:
- (a) The complaint is made within the period of one month beginning with the date on which the behaviour is alleged to have occurred; and
 - (b) The application for an ASB case review is made within the period six months beginning with the date on which the first complaint is made.

5.13 Discretionary Community Trigger Threshold

In addition, the 'relevant bodies' may decide the Discretionary threshold has been met, if any of the following factor exist:

- (a) Concerns regarding the persistence of the ASB about which the original complaint was made
 - (b) Concerns regarding the harm being caused, or the potential for harm to be caused by that behaviour,
 - (c) Concerns regarding the adequacy of the response to that behaviour.
- 5.14 If the **Community Trigger HAS NOT been met** the lead agency SPOC will:
- a. Send a written report detailing the findings of the 'relevant bodies' to the complainant within 10 working days of the initial ASB Meeting.
 - b. Initiate any follow up actions that are required to restore the confidence of the complainant and deal with any outstanding issues.
- 5.15 If the **Community Trigger HAS been met** the lead agency SPOC will :
- a. Prepare a detailed case and refer it to a subsequent Case Review Meeting involving 'relevant bodies' for further discussion. All cases will be referred to the Case Review Meeting within 15 working days of the receipt of all relevant information from Partners Agencies, so a full review can take place.
 - b. The SPOC will provide a response to the complainant regarding the result of the Case Review Meeting and any recommendations made by the 'relevant bodies' within 10 working days of the date of the meeting.

6. Police & Crime Commissioner

- 6.1 The Police & Crime Commissioner will be provided with the following information on a monthly basis:
- a. The number of Community Trigger applications made,
 - b. The number of applications that meet the Community Trigger threshold,
 - c. The number of Community Trigger applications that result in further action being taken by partner agencies

Appendix 4 Hoarder Policy and procedure

Hoarders – Support & Enforcement

1. Introduction

Hoarding - For the purposes of this procedure we define 'Hoarding' in line with widely accepted definitions:

Hoarding is the excessive collection and retention of material to the extent that it adversely affects day to day living and creates a potential hazard (whether to the individual or to others). Hoarding may take the form of obsessive retention of possessions or in some cases animals

Properties affected by hoarding may also be filthy (contain faecal matter, rotting food or waste), or verminous (infested by mice, rats or insects). Where the hoarding is exacerbated by filthy or verminous conditions this procedure will still apply but urgent action should be triggered

The procedure below will address those properties that could potentially impact on the quality of life to the resident and their immediate neighbours. The balance should be sought between support needs and enforcement action this can only be done with effective tenancy management. Our objectives are as follows:

1. To ensure sustainable tenancies and promote stable communities
2. To promote effective and efficient partnership working to the benefit of our customers
3. To protect our tenants, their neighbours and our properties
4. To provide bespoke action plans for customers with vulnerability indicators for support mechanisms
5. To minimise the need for court action against a vulnerable customer.
6. To ensure that where enforcement action is unavoidable it can be taken swiftly and effectively

It is not acceptable for Social landlord who is aware of a hoarding problem in one of its properties to fail to address the issue. Hoarders may place their own lives and those of others at risk. Landlords have been heavily criticised in Coroners Courts where they have failed to act.

2. Identifying properties affected by hoarding

We may become aware of hoarding in a number of ways and must be alert to respond to all:

- Complaints by neighbours of smells, flies or vermin;
- Concerns expressed by neighbours about the wellbeing of the tenant;

- Concerns reported by the Fire and Rescue Service of the fire risk posed by a property;
- Failure to allow access for gas servicing or refusal of service by the engineer due to the property condition;
- Failure to allow access for repairs or refusal of service by the operative due to the property condition;
- Reports from statutory agencies or other source
- Observation of a deterioration in property condition

3. Initial response

Enter details on spread sheet located on T;drive.

3.1 Access

In order to respond to a hoarding report it will be necessary to visit the property and assess the problem. Because hoarding can stem from a range of different disorders the tenant's response is hard to predict. If the tenant is willing to grant access to the property then visit the property, observe and record the nature and extent of the problem. A photographic record is always helpful if this can be made.

Discuss and try to resolve the issue with the tenant. Staff should be aware of the following potential issues when discussing with the tenant:

- Hoarding is not in itself a mental illness but may be an indicator of other underlying mental health problems;
- The tenant may see their behaviour as normal;
- The tenant may well be socially isolated and unused to dealing with people in their daily lives;
- It is important not to prejudge the cause of the hoarding and to avoid confrontational language which might prevent progress being made.

If the tenant will not provide access to the property voluntarily or obstructs access by repeatedly making arrangements but failing to comply with them we must not be deterred. Make no more than two informal arrangements for access, if these fail make a written appointment for access if that fails refer the case to TET/Legal for an access injunction without delay

Should the property be a sold flat within one of our blocks notify Leasehold Management and the appropriate Council Environmental Health department.

3.2 Information gathering

Gather as much information about the problem as you can if possible talk to neighbours, family, friends and any support workers. Explore what action may have been taken historically, frequently there will have been clearances carried out in the past only for the problem to recur

3.3 Informal support

If appropriate enlist the help of family, friends, voluntary or statutory agencies to help build a relationship with the tenant and resolve the hoarding problem. Be aware that

hoarders will often be very reluctant to accept help and may refuse any external support.

3.4 Mental health issues

Hoarding is not regarded as a mental disorder in its own right but it is frequently associated with other formal psychiatric disorders, most commonly dementia, schizophrenia, and depression, also personality disorders such as OCD and post traumatic stress disorder. Be aware of the likelihood of the existence of such a condition and the need to deal with the vulnerability created by such a condition sensitively.

3.5 Vulnerability Matrix

Complete the vulnerability matrix (Appendix 1) as soon as practicable in each case. Take time to ensure that the answers are realistic, hoarders may not recognise the extent to which their lives are affected by their hoarding. Make the referrals indicated by the score promptly.

4. Action plan

Where the hoarder is willing to engage, it may be possible to help them to plan and manage their own clearance or engage with an organisation that can assist them. The involvement of the hoarder in the process can be more time-consuming as they will often need time and help to assess item by item. However, involving them in the process can be more successful in the long term.

Prioritise what needs to be accomplished first. For example, making the property fire safe, clearing a room that houses a boiler with an outstanding safety check or re-establishing cooking and washing facilities. Accessible items of food would need to be moved to make pest control treatments effective.

Where the hoarder is engaging in the clearance, it can be useful to assign them time-framed tasks. It is also useful to get them to consider the relevance of the item to its current setting, and to either assign it an alternative suitable storage place or choose to discard it. This method results in items only being stored in appropriately assigned rooms (for sleeping, eating, cleaning, etc).

It is essential that time scales are adhered to and that reasonable progress is made; many hoarders will prevaricate and obstruct to prevent changes to their environment, we need to ensure that interventions are not protracted to an unreasonable extent.

Use the Action Plan template (Appendix 2) to plan and agree with the tenant how the problem is to be resolved.

All actions must be logged and any significant developments (or lack of them) concisely noted. A photographic record should be made if this is possible (ie.the tenant agrees). If enforcement action becomes necessary this record will be essential evidence

5. Clean up

Incommunities has the capacity through in-house teams (Estate Services) or external contractors to remove hoarded material and/or carry out a professional

clean of a property (a “clean up”). Such clean ups are expensive, often costing several thousand pounds. Although the costs may be re-charged to the tenant they are rarely recovered and are effectively a cost to the organisation. A clean up should not be arranged as a response to a hoarding issue on its own. A clean up should only be arranged if the following conditions are met:

- After the tenant has by his/her conduct shown a willingness to change his/her conduct (eg by commencing to clear and clean);
- as part of an action plan designed to ensure that there is no repetition of the issue;
- Where satisfactory arrangements have been made to recover the cost.

6. Support needs

Vulnerability may be a combination of factors or a single cause, identifying this is vital in this process. Most cases will be identified by the Neighbourhood Housing Officer during home visits, but could also be raised as a concern by neighbours, Income Officers or Operatives that visit the home from time to time.

The Neighbourhood Officer (leasehold officer) once a vulnerable customer is identified is to maintain reasonable contact with the customer, ensure customers are signposted to support in order to ensure every effort is made for customers whose tenancy may be at risk is supported and the case will be discussed at TET surgeries to ascertain if enforcement action is necessary until such time as the situation is resolved.

Where the hoarder is already engaging with a support service it would be practical to work alongside this existing arrangement, especially where there is an established relationship, as hoarders are frequently mistrustful of new services intervening.

Where the hoarder is not currently engaged, but appears willing to accept assistance, it may be possible to engage floating support to work with them for a limited period. Floating support may be offered even if other permanent support measures are in place

Incommunities is committed to supporting people and safeguarding vulnerable customers, information is to be recorded sensitively to ensure signposting to relevant support providers.

It should be noted not all cases will need the assistance of external agencies but support and guidance from their Neighbourhood Housing Officer/Leasehold Officer. However there will be cases that require more detail action plans which are agreed with other agencies such as Social Services to help maintain tenancies.

Support providers who may be considered include:

- About Turn, Incommunities' in house Intensive Housing Management Service
- Horton Housing Community Support Agency will support vulnerable tenants with complex needs;
- Keyhouse, will offer support with tenancy maintenance
- Stonham, offers mental health floating support services
- Creative Support, will support tenants with diagnosed mental health problems
- DISC, if substance abuse is also a factor

Referral procedures and forms for all of the above can be found on line. Where support is offered and refused, it is important to note this in your records, as this may be crucial evidence later, if legal action should be required.

7. Referral for enforcement

7.1 Where a customer will not engage with support agencies or prove difficult to maintain contact with, enforcement action may be considered appropriate, i.e. breach of tenancy this should be actioned in conjunction with your Tenancy Enforcement Officer.

7.2 The Tenancy Enforcement Team can access the following responses to hoarding issues:

Multi agency case conferencing hoarding problems

Joint working with the Fire Service

Engagement with Community Mental Health Team/GP/Adult social services

Preparation of detailed improvement schedules and agreements

Application to Court for Injunctions to enforce the tenancy agreement

Possession proceedings

7.3 A referral should be made to Tenancy Enforcement in the following situations:

- Immediately if a vulnerability matrix score is in the category “High Risk”
- Immediately if there is cause for concern for the safety of the tenant or others living around them. For example the property is significantly cluttered with combustible material such as paper, card, fabrics or plastic and the tenant is using a form of heating , cooking or lighting which creates a risk of combustion
- Immediately if a concern has been raised by an external agency such as the Fire Service
- Immediately if the condition of the property has prevented a gas service
- Immediately if the circumstances of the tenant are detrimental to health, for example the property is filthy or verminous.
- Immediately if the hoarding involves animals and the condition of the animals is a cause of concern
- In any case when the NHO has implemented an action plan with the tenant but has failed, within a reasonable time, to achieve the required level of improvement.

Referral for enforcement action should be made on the usual ASB case referral form

8 . Response by Tenancy Enforcement Team

The following section outlines the responses accessed by TET . These are not mutually exclusive and in any case the range of possible responses will be accessed as necessary.

8.1 In a referral for refusal of access/ gas service TET will prepare and send a final Letter before Action with an access appointment. If access is refused then TET will prepare witness statements dealing with the actions of the NHO and TET and will submit these to Legal Services for an Application to Court for an access injunction. The Order sought from the Court will require the tenant to give access to Incommunities' Officers on reasonable notice. A further appointment will be issued in accordance with the Order. If access is still not permitted TET will progress the case to Possession Action – see below.

8.2 If the referral has been made because there is thought to be a fire risk TET will liaise with the Fire Officer. If there has already been a fire risk assessment TET will obtain this. If not TET will arrange a joint visit with the Fire Officer. If the Fire risk is confirmed then TET will prepare witness statements to support an application for an Injunction requiring the tenant to take the remedial action necessary to remove the risk and to permit Incommunities access to check the Order has been met. If the tenant does not comply with the Injunction Order TET will progress the case to Possession Action – see below.

8.3 If the referral has been made because of concerns for the conditions in which the tenant is living TET will consider whether to make referrals to Adult Social Services (including a lodging a safeguarding concern), the tenant's GP, the relevant Community Mental Health Team, any existing support provider, any new support provider who appears appropriate, the RSPCA in cases involving animals. TET will liaise with relevant agencies to try to secure support and intervention and will co-ordinate multi agency meetings where this appears useful. If filthy or verminous premises are involved TET may make a referral to the BMDC Environmental Health Team and request that they exercise their statutory powers.

8.4 TET will review the actions taken and any action plan and will consider whether it is reasonable to agree any further actions, if it is TET will ensure that there is an update action plan with clear actions required and deadlines. If it is not appropriate to enter into a further action plan or an action plan is agreed and has failed then TET will review with the NHM/NHO the appropriateness of legal action. TET will assist in the completion of a Proportionality Memorandum recording the review and the decision. If legal action is chosen TET will prepare witness statements to support an application for an Injunction requiring the tenant to take the remedial action necessary to remove the risk and to permit Incommunities access to check the Order has been met. If the tenant does not comply with the Injunction Order TET will progress the case to Possession Action – see below.

8.5 Possession action will only be taken as a last resort. This means that the available responses to the issue have been attempted and failed or have been discounted either as having no reasonable prospect of success on the facts known to Incommunities, or, because the case is urgent due to the risk to safety. In each case where possession action is being considered TET will review with the NHM/NHO the appropriateness of legal action. TET will assist in the completion of a Proportionality Memorandum recording the review and the decision. TET will prepare witness statements dealing with the actions of the NHO and TET and will submit these to Legal Services for an Application to Court.

Prior to the Possession Hearing Legal and TET will discuss with the NHM/NHO the possibility of a suspended order or an adjournment on terms which provide for a programme of improvement by the tenant. Legal will apply for an Order in suitable terms if this is agreed. An outright possession order, or enforcement of a suspended order will only be sought when Incommunities is satisfied that all other reasonable responses have been exhausted

9. Capacity

The mental capacity of a tenant who is hoarding is regularly raised as an issue. In fact the Mental Capacity Act requires that we assume that a person has capacity to make decisions for themselves unless the test for lack of capacity is met. In short this is that there is an impairment of or disturbance of the mind, sufficient to affect capacity decisions and that this impairment is affecting this particular decision. Our experience is that tenants who hoard are rarely considered by Mental Health professionals to fail this test. If Capacity is thought to be an issue then the case should be referred to TET who will make the necessary contacts with the individual's GP and Mental Health Team.

External Agencies

Social Services – Adult Services 01274 435400 (all services provided are chargeable)

BMDC Environmental Health Team – have a statutory remit to deal with filthy or verminous properties. 01274 434366

Fire Brigade - <http://www.westyorksfire.gov.uk/PartnershipReferral> - Username- incommunities Password – housing – please note ****HOARDER**** and Tick - **excessive fire loading**, stipulate on the form a joint visit is required.

Creative Support – short term support, please complete appendix

Internal Departments

Estate Services – please complete an environmental services form requesting a quote for hoarding assistance.

Background Information

Household occupancy	[Is Hoarder authorised occupant? Living alone? Details of other occupants were known to be living there including presence of minors. Relationship of other occupants – relative/lodger etc.]
History of previous action(s) taken against the occupant/household	[Actions relevant to hoarding case. May include support or enforcement actions in line with enforcement concordat, as well as evidence of previous communications]
Engaging with / known to other services	[Name and contact details of agency/support worker /social worker Receiving meals on wheels/care-line/ domiciliary care?]
Historical / current risk to Hoarder	[Safeguarding/self-neglect/self-harm/substance misuse/victim of domestic violence or harassment.]
Historical / current risk to others	[Safeguarding/neglect/domestic violence/ASB/Carrying weapons/threats/verbal abuse]
Physical health /impairments / mobility issues	[Any adaptations likely to be required/ special circumstances to be considered in actions to be taken?]
Learning disability /mental health / dementia	[Where known or suspected - Has Mental Capacity Assessment been carried out?]
Access and engagement	[Has Hoarder granted access to the property? Does Hoarder appear willing to engage (with any services)?]
Employment / financial status [Working? Access to funds/ benefits? (if known)]	
Other supporting circumstances [Anything else that may have relevance – including possible trigger events (bereavement, divorce, redundancy etc)]	
Hoarders perspective [Summary of Hoarders view of their situation]	
Is hoarding spilling over into communal areas?	Yes / No
Are any utilities/heating disconnected?	Yes / No
Any apparent urgent repair issues to address? (drainage, leaks, electrical etc.)	Yes / No
Have there been complaints from neighbours?	Yes / No
Are neighbouring properties affected in any way?	Yes / No
Are there pest control issues?	Yes / No

Priority/Clutter rating		Clutter Rating		
		Low	Medium	High
Priority	1			
	2			
	3			

Priority 1: Person or Property urgent risk

- Risk of fire
- Safeguarding (Adult or child)
- Diagnosed mental capacity issue
- Other urgent Health and safety – including internal access, outstanding gas check
- Pending enforcement action/risk of losing home
- Damage affecting neighbouring properties – urgent
- Disconnected facilities (vulnerable person)
- Returning home after hospitalisation

Priority 2: Actions in progress

- Low level nuisance
- Damage affecting neighbouring properties – non-urgent
- Non urgent repair or improvement issues
- Major works access (improvement work – not health and safety)
- Disconnected facilities (no vulnerabilities)
- Pest control issues
- Diagnosed support need
- Problems engaging a core service (priority rating will depend on other factors within the case and the service involved)

Priority 3: Long term issues

- No engagement (non-urgent issues)
- Lack of self-awareness of hoarding behaviour
- Unsuitable property – requiring assistance with improvement work or resettlement
- Uninhabited property
- Counselling or other support need
- Failure of previous actions/ signs of repeat behaviour

Hoarder Identified

NHO – Adds to Global Spread sheet, home visit and conversation with customer and in conjunction with Appendix make a decision as to

Hoarder – Yes (Med-High)
Does the customer understand the reason for concern, how do they perceive their situation, and what do they want to do about it?

Hoarder – No (Low – monitor)

If willing to engage arrange a home visit include family support/support if available and ask if any additional support is needed/wanted and complete an action plan. Complete a concern card and pass to Alerting Manager with details and photographs if

If /unwilling to engage, advise and refer direct to Tenancy Enforcement

Appendix 5 Hate Incident Procedure

1.0 Introduction

- 1.1 This procedure covers Incommunities Group, which includes Sadeh Lok Housing Association. The purpose of this procedure is to clearly define Incommunities Groups' commitment to the rights of its tenants to live safely and securely within their homes and neighbourhood irrespective of their gender, gender identity, sexual orientation, race, ethnicity, religion or belief, culture, age or disability.
- 1.2 This procedure sets out how we will work in Incommunities, and with our partners to deliver this commitment.

2.0 Statement of Intent

- 2.1 Harassment on the grounds of any protected characteristic, hate crimes and hate incidents have no place in our community. We recognise the damaging effects that hate incidents have on individuals, families and whole communities and the negative impact they have on community cohesion and positive relations between different groups. For these reasons we will take a zero tolerance approach to hate incidents.
- 2.2 Incommunities acknowledges that harassment, hate crimes and hate incidents are under-reported and encourages increased reporting through its approach in dealing with the incidents and in enabling reporting via a range of methods that meet diverse needs and by participating in the Bradford Hate Crime Alliance, the Safer Kirklees Initiative and Wakefield Hate Crime Strategic Group
- 2.3 Incommunities will show leadership in this area by demonstrating what behaviour is acceptable and challenging unacceptable behaviour wherever possible.
- 2.4 We will dedicate sufficient resources to address harassment and hate incidents at all levels; through dedicated officers in the Tenancy Enforcement Team, through our Neighbourhood Officers, and Intensive Housing Management Service.
- 2.5 In all our efforts we will meet the expectations of victims and complainants which are:
 - To be believed and taken seriously
 - For complainants/witnesses to be dealt with sympathetically
 - To be supported and advised appropriately
 - To be kept informed
 - To find an effective solution to stop the harassment or hate crime/incidents
 - To send out a clear message that Incommunities will not tolerate harassment, hate crime and hate incidents

3.0 Strategic context

- 3.1 This procedure is intended to work alongside and complement Incommunities' Anti-Social Behaviour (ASB) and Hate Incident Policy which deals with our response to incidents of ASB of all descriptions. Hate incidents are a form of ASB and are therefore also covered by the ASB policy. This Procedure will deal with the elements of our response that are specific to hate incidents.
- 3.2 This Hate Incident procedure is relevant to the following legislation, regulatory requirements, national and local strategies:
- Equality Act 2010
 - Housing Act 1988
 - Crime and Disorder Act 1998
 - Anti Social Behaviour Act 2003
 - Anti social Behaviour, Crime and Policing Act 2014
 - Anti Terrorism, Crime and Security Act 2001
 - Data Protection Act 1998 and May 2018 General Data Protection Regulations
 - Human Rights Act 1998
 - Racial and Religious Hatred Act 2006
 - Tackling racial harassment – code of practice for social landlords
 - Home Office Code of Practice on Reporting and Recording Racist Incidents.
 - Incommunities' Equality and Diversity Policy
 - Incommunities' Allocation Policy 2014
 - Homes and Communities Agency regulatory standards
 - CRE Statutory Code of Practice on Racial Equality In Housing (England)

4.0 Procedure

4.1 Definitions of hate incidents

- 4.1.1 This procedure applies to harassment on the grounds of a protected characteristic, hate crime and all other hate incidents. These three categories are distinct but overlap. For the purposes of this policy we will use the generic term 'hate incident' for all three categories of incident.
- 4.1.2 Any definition of "hate incident" must deal with three issues:
- What are the characteristics which are protected from harassment
 - What are the acts which might constitute an incident
 - What is the basis on which it is determined that an incident is motivated by hate
- 4.1.3 *Protected Characteristics*: we will draw on the Equality Act 2010 for the definition of protected characteristics on the basis of which someone may be subject to harassment. These are:
- Age
 - Disability
 - Gender reassignment (transgender status)
 - Race
 - Religion or belief
 - Sex (gender)

- Sexual orientation

4.1.4 For our definition of incidents we will adapt the CRE definition of harassment as follows:

“An unwelcome act or series of acts...”

Examples of the types of acts that are included in our definition of a hate incident and are covered by this policy include:

- Assault (comprising verbal and physical assault)
- Damage to property
- Hate-oriented graffiti and fly posting
- Arson or attempted arson,
- Verbal abuse and threats (also includes letters, emails or telephone calls)
- Dumping of excreta, rubbish etc in the victims home
- Threats
- Malicious complaints
- Providing, offering, publishing or distributing offensive literature
- Jokes
- Cyber / Online hate incidents

4.1.5 In order to determine whether an incident is motivated by hate we will apply the criteria established by the Home Office namely:

“Any incident ... which is perceived by the victim or any other person as being motivated by prejudice or hate.”

4.1.6 Under this definition a person does not have to possess the protected characteristic to be the victim of a hate incident, it will suffice that that was the motivation. Nor does the victim of a hate incident have to view it as hate related for it to be considered a hate incident. It is sufficient that the person receiving the report or some other person perceives it to be motivated by hate.

4.1.7 Whilst domestic abuse and gender violence could be termed ‘hate incidents’, Incommunities has developed a separate Domestic Abuse Policy which addresses this important area.

4.2 A summary of our response to hate incident reports

4.2.1 Incommunities will take all hate incident reports seriously. Reports will be investigated fully and we will take appropriate and proportionate action that reflects the seriousness with which we view such incidents.

4.2.2 We will encourage people to report hate incidents via a range of methods that meet diverse needs and we will make it easy to do this. . We will enable people to make reports in the following ways:

- In writing (including by email)
- Verbally (over the telephone, in person at any of our offices)
- Via a third party (e.g., via the Police, Social Services, Schools or through the Bradford Hate Crime Alliance).

- 4.2.4 We will ensure that our staff are trained to recognise hate incident reports covering the full range of potential protected characteristics and to deal with them appropriately and effectively. This includes dealing sensitively with victims, escalating the report to the Tenancy Enforcement Team, and signposting the victim to appropriate support.
- 4.2.5 We will produce information and publicity materials in a range of languages and formats used by our customers to make sure everyone understands what a hate incident is and how they can report one. We will maintain our Out@incommuniites email address.
- 4.2.6 We will ensure that people reporting hate incidents can fully participate in the process by making sure that the information, tools and equipment we provide are accessible. We will provide information in alternative formats and languages, as requested by our customers, and will ensure access to interpreters and signers as appropriate. We will provide recording equipment to complainants where written recording of incidents may be a barrier.
- 4.2.7 When a hate incident is reported, a Neighbourhood Housing Officer (NHO) will carry out a full investigation of the report. Each case will initially be managed by the NHO unless it meets the threshold for immediate referral to the Tenancy enforcement team (TET) i.e. assault, arson threats of violence as outline in the ASB procedural guide.

5.0 Measures to Prevent Hate Incidents

- 5.1 Incommunities will work proactively to prevent hate incidents and to create neighbourhoods where any kind of hate-related behaviour is viewed as socially unacceptable and not tolerated.
- 5.2 We will work to make sure that tenancies start on the right note by setting out our expectations of behaviour clearly, before and at the beginning of the tenancy. We will include expectations in our Tenancy Agreement and Tenants Handbook stating that tenants are responsible not only for their own actions but for the actions of their household members and visitors with regards to hate incidents. Prospective tenants will be made aware that action will be taken against tenants who either personally perpetrate hate incidents or who allow their children, family, guests, visitors or lodgers to do so.
- 5.3 We will work to identify what support individuals need to prevent them being a repeat victim of hate incidents if they have experienced this elsewhere by making appropriate referrals to our in-house Intensive Housing Management Team and/or partner agencies. This is in addition to measures to ensure sustainable tenancies covered in our ASB and Hate Incident policy which aim to prevent the full range of ASB which may or may not include hate incidents.
- 5.4 Incommunities will work with our communities and our partners to facilitate diversionary activities, community projects, events and groups in our neighbourhoods which attempt to bring people from different backgrounds together, promote positive relations between different groups and promote understanding as part of measures to prevent hate incidents.
- 5.5 Additionally, in support of these measures, Incommunities will seek to ensure that properties are not let to persons who have been responsible for hate-related anti-social behaviour in accordance with the Incommunities Allocations Policy.

6.0 Measures to Respond to Hate Incidents

6.1 There are a range of tools available to tackle hate incidents. Where it is viable to take enforcement action, and the complainant agrees, we will apply the measure that is appropriate and proportionate having regard to the seriousness with which we view such incidents. These tools include:

- Early intervention by discussing the problem with the perpetrator
- Verbal warnings
- Mediation (where this does not mean the complainant is further victimised)
- Warning interviews and letters (first and final)
- Acceptable Behaviour Contracts
- Parental Control Agreements
- Undertakings
- Civil Injunctions
- Notice of Seeking Possession (NOSP)
- Suspension of Right to Buy
- Committal proceedings
- Demotion proceedings
- Possession Proceedings

6.2 In making decisions in relation to hate incidents we will be mindful of the Human Rights Act implications of any decisions we make.

6.3 Cases can be referred to mediation at any stage during an investigation, even if mediation has initially been refused, providing the complainant(s) and alleged perpetrators are prepared to mediate.

6.4 Incommunities' Allocation and Lettings Policy provides for a "suitability assessment" to be carried out prior to allocation. As part of this assessment previous Hate issues will be identified and measures will be put in place to ensure such behaviour will not be repeated if the allocation is to proceed

6.4 We recognise that hate incidents are not confined to our tenants. We will act to protect our tenants where they are affected by the actions of persons in other tenures such as owner occupiers, private tenants or tenants of other Social Landlords and our housing management function is affected. Equally we will act to protect persons in other tenures where they are affected by harassment or hate incidents perpetrated by one of our tenants.

6.6 We will use starter tenancies for new tenants in accordance with our starter tenancy policy to assist in making a swift response to hate issues.

7.0 Support for Victims and Witnesses

7.1 We recognise the additional support requirements that victims of hate incidents are likely to have. Incommunities has adopted a Statement of Policy on Witness Support which will be applicable in hate incident cases. In addition to the support detailed in that statement we will:

- Expedite the removal of hate based graffiti
- Assist in engagement with support networks

- Make referrals to specialist support providers
- Ensure priority for repairs to damage caused to property as a result of harassment
- In acute situations where there is evidence of a threat to physical security of persons or property we will facilitate a transfer to a secure location within our stock.

8.0 Empowerment & Involvement

- 8.1 Together with our partners, we will publicise our successes in dealing with hate incidents and work with the media to encourage positive reporting of the way in which we are tackling hate incidents.
- 8.2 We will involve residents in estate walkabouts to identify problems such as hate-related graffiti and fly-posting.
- 8.3 We will use customer feedback questionnaires at the conclusion of every asb and hate incident case to obtain feedback on the service we have provided.

9.0 Partnership Working

- 9.1 The provisions of Incommunities' ASB and Hate Incident policy in relation to partnership working will be applied to how we deal with hate incidents.
- 9.2 In addition, we will work in partnership and forge links with other agencies with responsibility for dealing with hate incidents to provide a co-ordinated response including:
- **Stop Hate UK:** provides independent support to people who have been affected by hate Incidents and has offices in Bradford ,Kirklees and Wakefield.
 - **Equity Partnership:** working with and for Bradford, Kirklees and Wakefield lesbian, gay and bisexual communities. The Equity Centre is a hate crime reporting centre and the Equity Partnership facilitates the Homophobic Scrutiny Panel. The panel meets on a regular basis to look at homophobic hate crime incidents and how these have been dealt with.
 - **Members of the Bradford Hate Crime Alliance (BHCA), the Safer Kirklees Initiative and the Wakefield Hate Crime Strategic Group** have developed an alliance of agencies dealing with hate incidents in the Bradford ,Kirklees and Wakefield Districts
 - **Community groups** representing people who may disproportionately experience hate incidents to gain their views on reporting and tackling hate incidents and to work together to do so.
- 9.3 Where appropriate we will use standard online forms for reporting and recording hate incidents agreed with our partners and Bradford Hate Crime Alliance , the Safer Kirklees Initiative and Wakefield Hate Crime Strategic Group to ensure a common and consistent approach to hate incidents. All of our offices will be reporting centres for hate incidents and we will work in partnership to promote them and other venues where hate incidents can be reported. There will be at least one officer in each Neighbourhood Housing team trained to make online Hate Incident reports, as part of incommunities' role as a reporting centre, and guidance can be obtained from this person.
- 9.4 With the consent of the complainant we will record hate incidents reported to us on

the multi-agency database at BHCA, the Safer Kirklees Initiative and the Wakefield Hate Crime Strategic Group to facilitate monitoring the progress of complaints and the identification of trends and hot spots.

10.0 Confidentiality

- 10.1 We recognise the particular sensitivity of the information contained in hate incident reports. We will inform people reporting hate incidents that we will not disclose information they have given to us in relation to hate incidents without their consent. The exception to this being where this duty is overridden by the need to protect a child or vulnerable adult at risk. This decision will be taken by the Assistant Chief Executive (Operations) or Director of Legal Services.
- 10.2 We will encourage complainants to allow us to share information with our partners to permit an effective multi-agency response, however disclosure will only take place with the complainant's consent.
- 10.3 Any file notes, reports and letters will be retained securely and confidentially. Officers will at all times comply with Incommunities' Data Protection Policy

11.0 Monitoring

- 11.1 The Incommunities ASB and Hate Incident policy establishes a comprehensive set of performance measures and requires that the Community Trust Panel receives reports on performance against the measures annually. As part of that monitoring and reporting process Hate incidents will be recorded as a separate category and the performance information required by that Policy will be provided in relation to the Hate Incidents as a distinct category.

Hate incident reports are not received by Incommunities in sufficient numbers for reporting to be meaningful, nevertheless hate incident reports will be reviewed quarterly for trends, hotspots, satisfactory resolution and enforcement activity.

- 11.2 Where possible, all of the above will broken down by protected characteristic (e.g. racial, homophobic, disability-related, transphobic, age-related, gender-related, religious/faith - related)
- 11.3 We will monitor reports of hate incidents to proactively identify 'hot spots' and we will work with other agencies to address problems already identified and to prevent problems recurring.
- 11.4 Incommunities aims to encourage reporting through building confidence amongst tenants and residents in its capacity to respond to hate incidents. In line with national best practice, Incommunities will therefore set an increased target year-on-year which will be reflective of an increased level of reporting.
- 11.5 Incommunities will publish the results of its monitoring of hate incidents to customers, employees and partners as appropriate using a range of means appropriate to the target audience including:
 - @home newsletter
 - Staff News
 - Intranet and external website

- Annual Report
- In our offices
- Meetings, forums, community events and open days

11.6 Any service relating to this procedure will be provided in line with Value for Money principles and we will benchmark our service against peer organisations and report the outcome to our Boards.

12.0 Review Mechanisms

- 12.1 There will be an automatic review of this procedure whenever there is a change of statutory or regulatory provisions, or when other Best Practice information becomes available that will impact on the policy. In any event there will be a substantive review of this procedure every 3 years.
- 12.2 In addition, this procedure will be subject to ongoing scrutiny and operational review, in consultation with all relevant stakeholders and with regard to the feedback obtained using mechanisms set out in the Involvement and Empowerment section 9 above.