

FORTH HOUSING ASSOCIATION LIMITED

ANTI-SOCIAL BEHAVIOUR POLICY

Governance: Housing Management

Code: HM04

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Cross Reference: Harassment Policy (HM09)
Pets Policy (HM13)
Allocation Policy (HM02)
Estate Management Policy (HM07)



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1.0 Introduction

- 1.1 This Policy sets out what we will do to help prevent anti-social behaviour and how we will deal with complaints about anti-social behaviour. We understand our responsibility to make sure that tenants can enjoy their home. Our tenants also have a responsibility to make sure that their actions do not interfere with their neighbour's enjoyment of their home.
- 1.2 Complaints regarding harassment are addressed under the Harassment Policy.
- 1.3 Complaints regarding pets are addressed under the Pets Policy.

2.0 Aims and Objectives

- 2.1 We wish to allow all tenants to live without undue disturbance or disruption from others. We recognise the importance in taking early and effective action to reduce the likelihood of legal action being needed, and to increase the chances of it being resolved successfully. We will take the lead in co-ordinating a multi agency response to tackling the causes and consequences, taking action against offenders and supporting and protecting victims. We recognise that anti-social behaviour is not just a landlord issue but also a social order issue that can require response and intervention by multi-agencies.

3.0 The Scottish Secure Tenancy

- 3.1 The Scottish Secure Tenancy states at section 3:

- *You, those living with you, and your visitors, must not harass or act in an anti-social manner to, or pursue a course of anti-social conduct against, any person in the neighbourhood. Such people include residents, visitors, our employees, agents and contractors and those in your house.*
- *'Anti-social' means any conduct causing or likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to anyone's property. Harassment of a person includes causing the person alarm or distress. Conduct includes speech. A course of conduct must involve conduct on at least two occasions.*
- *In particular, you, those living with you, and your visitors must not:*
 - *make excessive noise. This includes, but is not limited to, the use of televisions, hi-fi's, radios and musical instruments and DIY tools;*
 - *fail to control your pets properly or allow them to foul or cause damage to other people's property;*
 - *allow visitors to your house to be noisy or disruptive;*
 - *use your house, or allow it to be used, for illegal or immoral purposes;*
 - *vandalise or damage our property or any part of the common parts or neighbourhood;*
 - *leave rubbish in unauthorised places;*

- *allow your children to cause nuisance or annoyance to other people by failing to exercise reasonable control over them;*
- *harass or assault any person in the house, or neighbourhood, for whatever reason. This includes that person's race, colour or ethnic origin, nationality, gender, sexuality, disability, age, religion or other belief, or other status;*
- *use or carry offensive weapons.*
- *Use or sell unlawful drugs or sell alcohol*

4.0 Preventative Measures – Pre & Post Allocation

4.1 In practice, anti-social behaviour can mean different things to different people. We will ensure that tenants understand their conditions of tenancy and understand the action we will take if they do behave in an anti-social manner.

4.2 We may suspend applications for housing and transfer due to the conduct of applicants or tenants. This is done to protect the interests of other tenants and residents. In deciding whether or not to suspend applications on conduct grounds, we consider two main factors:

- the nature and seriousness of the conduct;
- other options, for example, could a short Scottish secure tenancy be granted instead.

4.3 We may also suspend applications for housing or transfer if a legal order is in existence that prohibits someone living in a particular area. For example, such orders may apply in the case of matrimonial disputes, antisocial behaviour, and sex offenders.

4.4 We may also suspend applications for transfers if we are in the process of taking legal action against a tenant to remove them from the property as a result of anti-social behaviour.

4.5 We take several preventative measures in order to try and reduce the likelihood of and the impact of anti-social behaviour.

a) Pre Allocation Action

We will use office interviews/home visits to form good working relationships with potential tenants. During these interviews we will take the opportunity to discuss our approach to tenancy conditions such as anti-social behaviour.

b) Point of Allocation Action

We will carry out an accompanied viewing of the property with the new tenant. During the viewing, particularly if the property is a flat, we will discuss flooring types with the new tenant. The new tenant will be reminded to be considerate of their neighbours and that they should expect some noise in flatted dwellings.

We will also spend time explaining the conditions of the Scottish Secure Tenancy to new tenants to ensure that they are fully aware of their responsibilities. Moreover, to reinforce the likely action that will be taken, should the conditions of their tenancy be broken, before they sign their tenancy agreement. Similarly we will provide advice of what to do should they become the victim of anti-social behaviour.

We will complete a tenancy profile form with the new tenant. The information recorded will be used to assist in dealing with complaints regarding anti-social behaviour received from the tenant or made against the tenant e.g. particular communication needs such as difficulties in reading or translation services required, particular vulnerability or support requirement including details of the support provider/worker.

We provide all tenants with a Tenants Handbook which gives advice in relation to their responsibilities.

c) Post Allocation Action

We will carry out a home visit to new tenants within 6 weeks of signing their tenancy. This visit will be used to assess if the tenant has broken any conditions of their tenancy and to reinforce our approach to anti-social behaviour. Tenants receive regular newsletters which will be used to remind them of their responsibilities under the tenancy agreement and to focus on a particular estate wide problem which may have arisen.

d) Staff Training

Training will be made available to staff on non legal and legal measures. In particular, through our Internal Management Plan we are committed to training and developing staff to their full potential in order to deliver a high quality service to tenants and the public.

e) Mediation

Mediation is a well-established tool for dispute resolution. It deals with a wide range of anti-social behaviour including noise, use of common areas, vehicles, rubbish, pets and a wide variety of other issues. The disputes resolved by mediation range from the seemingly trivial and short-lived which can escalate to more serious complaints.

The mediation process gives both parties the opportunity to be fully heard, and to hear what the other side of the story is, in private. Both parties are encouraged to voluntarily take responsibility for finding a practical solution to their own problems. The mediator will assist in exploring whether all the issues have been covered and whether an agreement is likely to hold. The mediator will identify and help resolve the underlying causes of a conflict as well as the symptoms. Its main focus is on what is going to happen.

Following a dispute, if both parties are willing to take part in mediation, the case can be referred to a Mediation Service, if available and where appropriate.

5.0 Multi-agency Working

- 5.1 As a landlord our responsibilities and our potential actions are limited to housing related matters. Other agencies also have an important role to play in helping residents to create a decent and safe environment. We recognise the importance of working with other agencies to make sure we all take a co-ordinated approach. The Complainant will be encouraged to contact the relevant authorities (e.g. Police, Anti-Social Behaviour Team, and Social Work Services); particularly outwith our hours of operation. Without corroborating evidence from official sources and neighbouring tenants, the Complainant will be advised that it will be difficult to pursue legal action against a tenant for anti-social behaviour.
- 5.2 The Safer Communities Forum has been set up to develop a strategy for tackling anti-social behaviour throughout the Stirling Council area. We will continue to work with the other partners including Stirling Council, Central Scotland Police, and other RSL's working in the local area to implement and review the agreed multi-agency strategy.
- 5.3 We will also work with the other agencies, for example, police, social work, and other support agencies e.g. Stirling District Association of Mental Health (SDAMH) to attempt to establish good and effective joint working arrangements and protocols. We will write any such agreements into our procedures and make sure that all staff are properly trained in them. We will also tell tenants about the agreements.
- 5.4 We recognise that some people have particular needs which mean they need support to live independently in the community. We assist tenants to get access to the support and assistance they need to establish and maintain their tenancies.
- 5.5 The behaviour of children and young people is a common subject of complaint. We recognise the need for young children to play together and for young people to gather in peer groups. We also recognise the potential for annoyance from their behaviour at times. Where possible, we will work with agencies to try to improve facilities for children and young people.
- 5.6 We will consult tenants and tenant organisations about the living conditions in their housing development and work with tenants to resolve problems and encourage them to form tenants groups. We will encourage tenants to work with other agencies to set up other community groups, for example Neighbourhood Watch.

6.0 Categories of Anti-Social Behaviour

- 6.1 It is recognised that early categorisation and intervention of complaints, can prevent minor disputes from escalating. Therefore, complaints received will be categorised by their seriousness and such behaviour has been divided into 3 separate categories:

Category A - Very serious/acute anti-social behaviour involving personal attack – For example, violence, unprovoked assault, threatening and abusive behaviour and any form of harassment (refer to the Harassment Policy and Procedure).

For Category A, we will investigate and initiate appropriate action within **one working day** of receipt of the complaint.

Category B – Serious anti-social behaviour involving other criminal activity – For example, drug dealing, vandalism and criminal damage to property, ongoing noise, and ongoing neighbour disputes.

For Category B, we will investigate and initiate appropriate action within **three working days** of receipt of the complaint.

Category C – Other complaints – For example, noise, neighbour disputes, rubbish dumping, dog fouling.

For Category C, we will investigate and initiate appropriate action within **five working days** of receipt of the complaint.

These categories are not exhaustive and other types of anti-social behaviour that are similar in nature and may be put in to the same category.

- 6.2 We will provide feedback to the complainant of the outcome or ongoing investigations if the matter is not resolved.
- 6.3 We aim to achieve a target of 100% by responding to complaints of Anti-Social Behaviour within the appropriate timescales.
- 6.4 On completion of our investigations the complainant will be given the opportunity to provide feedback to us and invited to complete an “Anti-Social Questionnaire”.

7.0 Recording of Anti-Social Behaviour

- 7.1 We will contact the Complainant to confirm full details of the complaint made.
- 7.2 All complaints should preferably be in writing and signed by the complainant. If appropriate, our staff will help tenants to put their complaints in writing. In cases where the complainant is not willing to provide their complaint in writing or not willing to provide a signed witness statement, the complaint will be treated as a verbal complaint (refer to 7.3). The Complainant will be advised that without witness statements it is unlikely to lead to further or legal action.
- 7.3 Verbal complaints and anonymous letters will be acted upon; however the information will be noted and filed for information only. We reserve the right to act on verbal complaints and anonymous letters if the matters described are considered sufficiently serious e.g. Police attendance or that action is merited.
- 7.4 We will treat all complaints in the strictest confidence. Under no circumstances will the alleged offender be informed of the complainants name or address; however the Complainant will be advised that due to the nature of some complaints e.g. personal attack it will not always be possible to protect the Complainants identity.

8.0 Monitoring and Reporting

- 8.1 Details of all complaints of anti-social behaviour are recorded on SDM and are used to plan the course of action that is effective and appropriate to both the tenant and their particular circumstance.
- 8.2 Details of all complaints of anti-social behaviour are also recorded on a standard Complaint Form, recording each stage of the investigations carried out. On completion the Complaint Form is filed centrally in the Anti-Social Complaints file.
- 8.3 This information is used as follows:-
- To categorise the types and number of complaints received e.g. A, B, C.
 - To evaluate numbers of complaints received and investigated within target times and to measure performance against Performance Indicators.
 - To report to Management Committee on a quarterly basis.

9.0 Legal Remedies

- 9.1 We are committed to using a wide range of approaches to tackle anti-social behaviour issues and to keep up to date on current best practice.
- 9.2 Only when preventative and management approaches (e.g. Acceptable Behaviour Contracts) have failed to resolve the problem will we consider using legal remedies. This is not only because of the seriousness of taking away someone's home but also because eviction may not in itself resolve the problem: it may simply move it elsewhere.
- 9.3 There is no standard approach to when certain legal remedies will be applied but we shall consider the options available and those that are most likely to be appropriate and effective in the circumstances of each case.
- 9.4 The following is a list of the legal options available.
- Interdicts
 - Anti-Social Behaviour Orders (ASBO)
 - Eviction of the problem tenant

10.0 Action Against Non-Tenants And Owner Occupiers

- 10.1 When dealing with mixed tenures and anti-social cases involving non-tenants, we will make every attempt to resolve the problem through informal, non-legal remedies such as mediation and will give support and assistance to our tenants who are experiencing anti-social behaviour from an owner-occupier.

10.2 Conversely, there are times when complaints are made by people who are not tenants about experiencing anti-social behaviour, such as level of noise, from a tenant. In such situations we will ensure that the tenant is dealt with through the terms of this policy and through informal, non-legal remedies as highlighted above.

11.0 Complaints

11.1 Any tenant who is dissatisfied with the management of their case will be advised of our Complaints policy.

12.0 Policy Review and Period

12.1 Management Committee will review this policy at least every 3 years, and staff are responsible for ensuring that they meet legal and good practice requirements.