

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)
EVH Landlords Control Manual



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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.
- 1.2 Complaints regarding harassment are addressed under the Harassment Policy.
- 1.3.1 Complaints regarding pets are addressed under the Pets Policy.

2.0 Aims and Objectives

- 2.1 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.
- 2.2 The Social Housing Charter requires Social landlords, working in partnership with other agencies, help to ensure as far as reasonably possible that tenants and other customers live in well-maintained neighbourhoods where they feel safe.

3.0. Legislation

- Antisocial Behaviour etc. (Scotland) Act 2004
- Crime and Disorder Act 1998
- Data Protection Act 1998
- Equality Act 2010
- Housing (Scotland) Act 2014
- Human Rights Act 1998
- Protection from Harassment Act 1997
- The Environmental Protection Act 1990
- The Noise Act 1996
- Offences (Aggravation by Prejudice) (Scotland) Act 2009

4.0 Definition of Anti-social Behaviour

- 4.1 The Antisocial Behaviour (Scotland) Act 2004 defines anti-social behaviour as:

“A person engages in anti-social behaviour if the person –

- (a) acts in a manner that causes or is likely to cause alarm, distress, nuisance or annoyance;*

or

- (b) *pursues a course of conduct that causes or is likely to cause alarm, distress, nuisance or annoyance, to a person residing in, visiting or otherwise engaging in lawful activity at, or in the locality of, a relevant house.*"

A course of conduct must involve conduct on at least two occasions.

4.2 *Antisocial Behaviour order (ASBO)*

"Civic orders to protect the public from behaviour that causes or is likely to cause harassment, alarm, distress. An order contains conditions prohibiting an individual from carrying out specific anti-social acts or (for example) from entering defined areas."

4.3 *Hate Crime, motivated by malice or ill will towards a social group by:*

- *Race*
- *Sexual orientation*
- *Religion/faith*
- *Disability*
- *Gender Identity*

4.4 *Examples of Anti-social behaviour*

- *Noise*
- *Rowdy behaviour such as shouting, swearing and fighting*
- *Intimidation of neighbours and others through threats or actual violence*
- *Harassment, including racial harassment, sexual harassment or sectarian aggression*
- *Verbal abuse*
- *Vandalism, property damage and graffiti*
- *Drug dealing*
- *Animal nuisance, including dog fouling*
- *Dumping rubbish*
- *Failure to keep communal areas clean and tidy (is stairs, closes, bin areas etc.)*
- *Failure to maintain garden at a reasonable standard*
- *Running a business from a rented property*

4.5 *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*

5.0 Preventative Measures

5.1 Anti-social behaviour can mean different things to different people and expectations of standards of behaviour can vary. 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.

5.2 We may suspend applications for housing and transfer

- due to the conduct of applicants or tenants
- if a legal order is in existence that prohibits someone living in a particular area
- 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.

5.3 We will try to reduce the likelihood of anti-social behaviour as reasonably possible by:

- ensuring that all new build developments meet “Secure by Design” standards
- keeping existing properties and developments maintained taking into consideration “Secure by Design” principles particularly when completing planned maintenance
- consulting tenants on the design/layout of their homes to help improve future development design and layout.

5.4 During the allocation process we take several preventative measures in order to try and reduce the likelihood of and the impact of anti-social behaviour.

- during allocation interviews we discuss our approach to tenancy conditions such as anti-social behaviour
- we carry out an accompanied viewing of the property with the new tenant, 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, particularly in flatted dwellings.

- we will spend time explaining the conditions of the Scottish Secure Tenancy to new tenants to ensure that they are fully aware of their responsibilities and 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 may consider offering a Short Scottish Secure Tenancy (SSST) to prospective tenants who have an Anti-Social Behaviour Order (ASBO) against them or their household, or if they have been evicted previously for 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.
- we will carry out a home visit to new tenants within 6 weeks of signing their tenancy to assess if the tenant has broken any conditions of their tenancy and to reinforce our approach to anti-social behaviour.
- tenants will 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.

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 (complaints escalation within a two month period)

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 within **ten working days** of receipt of the complaint.
- 6.3 We aim to achieve a target of 100% by responding to complaints of Anti-Social Behaviour within the appropriate timescales.

7.0 Recording of Anti-Social Behaviour

- 7.1 We will contact the Complainant to confirm full details of the complaint made. Tenants will be encouraged to speak with their neighbours in the first instance in order to resolve problems amicably, where this is not possible the complaint will be recorded.
- 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 timescales
- 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.
- 7.5 Housing Staff will update the complainant throughout the process and provide appropriate information whenever possible.

8.0 Responding to Anti-social Behaviour

- 8.1 The Association will treat all tenants equally and fairly, and investigate complaints impartially.
- 8.2 All tenants will be reminded of their responsibilities under the Scottish Secure Tenancy.
- 8.3 Where complaints of genuine anti-social behaviour continue, have been corroborated by admission from the perpetrators, or evidenced by other relevant agencies e.g. Police, Councils Noise Enforcement/Anti-social Behaviour Team, the tenant will be issued with a full written warning in relation to their tenancy.

- 8.4 Following disputes, if both parties are willing to take part in mediation, the case can be referred to a Mediation Service, if available and where appropriate. The mediation process gives both parties the opportunity to be fully heard, both parties are encouraged to voluntarily take responsibility for finding a practical solution to their own problems.
- 8.5 The Association will work closely with the local council, and where appropriate use noise monitoring equipment to establish if noise is considered Anti-Social Behaviour by legislation. The tenant will be issued with a written notification that sound recording equipment may be installed in neighbouring properties within the next 6 months. Where it is recorded that the noise is normal/acceptable levels of noise, no further action will be taken, tenants however will be advised regarding realistic expectations in respect of living noise, particularly in flatted dwellings.
- 8.6 Where it is evidenced that a tenant pursues a course of anti-social behaviour they will be requested to enter in to an Acceptable Behaviour Contract (ABC). This is a voluntary agreement between the tenant and the Association, it is used to help the tenant to admit to their anti-social behaviour, understand how it affects other people, and to agree to setting restrictions on their tenancy to encourage them not to act in an anti-social manner.
- 8.7 Where it is further evidenced that a tenant continues to pursue a course of anti-social behaviour legal action will be taken as appropriate.
- 8.8 The Association is a 3rd Party Reporting Centre in relation to the reporting of Hate Crimes. All incidents of Hate Crime will be reported to Police Scotland.

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)
 - Conversion of the Scottish Secure Tenancy (SST) to a Short SST
 - Eviction of the problem tenant

10.0 Multi-agency Working

- 10.1 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 out with 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.
- 10.2 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, Police Scotland, and other RSL's working in the local area to implement and review the agreed multi-agency strategy.
- 10.3 We will also work with the other agencies, for example, police, social work, and other support agencies 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.
- 10.4 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.
- 10.5 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.
- 10.6 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.

11.0 Action against Non-Tenants and Owner Occupiers

- 11.1 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.
- 11.2 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.

12.0 Monitoring and Reporting

- 12.1 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.
- 12.2 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.
- 12.3 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.
 - To identify trends of anti-social occurring in communities and to take appropriate measures to prevent escalation.

13.0 Staff Training

- 13.1 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.

14.0 Complaints

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

15.0 Policy Review and Period

- 15.1 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.