



## ANTI-SOCIAL BEHAVIOUR POLICY

POLICY IMPLEMENTATION CHECKLIST	
<b>Policy Guardian:</b>	Director of Customer Services
<b>Author:</b>	Housing Manager
<b>Version number:</b>	3
<b>Approved by Chief Executive on:</b>	January 2019
<b>Approved by Management Board on:</b>	February 2019
<b>Effective from:</b>	May 2019
<b>Date of Last Review:</b>	February 2019
<b>Date of Next Review:</b>	May 2022
<b>Diversity compliant:</b>	Yes
<b>Equality Impact Assessment required:</b>	No
<b>Data Protection compliant:</b>	Yes
<b>Health &amp; Safety compliant:</b>	Yes
<b>Procedure implemented:</b>	
<b>QL system changes made:</b>	
<b>KPI's/reporting arrangements implemented:</b>	
<b>Training completed:</b>	
<b>Posted on Intranet:</b>	Yes
<b>Posted on website:</b>	Yes
<b>Publicity material issued:</b>	
<b>Business Services Implementation Review:</b>	

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## **POLICY STATEMENT: ANTI-SOCIAL BEHAVIOUR**

### **1. Introduction**

- 1.1 The purpose of this Policy Statement is to set out the Association's policy in respect of anti-social behaviour and to provide a framework within which incidents of anti-social behaviour will be dealt with by the Association's staff.
- 1.2 Caledonia Housing Association is committed to ensuring that its homes and communities are pleasant and secure places to live. The Association recognizes the rights of its tenants and their neighbours to peaceful enjoyment of their homes. The Association expects its tenants to respect the values and lifestyles of others within the community and to act reasonably and with consideration for others.
- 1.3 Caledonia Housing Association will use all powers available to it to deal effectively with incidents of anti-social behaviour caused by or affecting its tenants. Where appropriate, the Association will work closely and co-operate with other agencies whose functions and remits extend to dealing with any aspects of anti-social behaviour.
- 1.4 This policy applies to those tenants who hold a Scottish Secure Tenancy Agreement or a Short Scottish Secure Tenancy Agreement.

### **2. Scope of the Policy**

- 2.1 This policy describes the activities and responsibilities of Caledonia staff regarding anti-social behaviour.
- 2.2 The Anti-social Behaviour Policy applies to all rented, shared ownership and mixed tenure developments owned or managed by the Association.

### **3. Context**

- 3.1 The Anti-social Behaviour Policy meets with legislative and good practice requirements including but not limited to:

**The Scottish Secure Tenancy (SST)  
Housing (Scotland) Act 2001  
Anti-social Behaviour etc (Scotland) Act 2004  
Housing (Scotland) Act 2014**

- 3.2 The Anti-social Behaviour Policy complies with the following regulatory requirement contained in the Scottish Social Housing Charter:

#### **Neighbourhood and Community**

#### **6: Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes**

Social landlords, working in partnership with other agencies, help to ensure, as far as is reasonably possible, that:

- Tenants and other customers live in well-maintained neighbourhoods where they feel safe.

3.3 The Anti-social Behaviour Policy supports the strategic requirements of the Association's Business Plan and links to the Association's Tenant Participation Strategy, Estate Management Policy, Equalities Policy and Risk Management Strategy.

#### **4. Definition of ASB**

4.1 This policy statement will be supported by detailed procedures which will assist staff dealing with incidents of anti-social behaviour to offer appropriate responses, support and action. The Association will ensure that all staff receive the appropriate training and support in order to meet the requirements of this policy and related procedures.

4.2 For absolute clarity this policy statement will ensure that the Association provides a response to the following definitions of anti-social behaviour:

- The Association's Scottish Secure Tenancy Agreement reflects the definition contained in the Housing (Scotland) Act 2001 and defines anti-social conduct as:

“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. “

- Section 143 of the Anti-social Behaviour (Scotland) Act 2004 defines anti- social conduct as:

“A person engages in anti-social behaviour if he/she:

- a) Acts in a manner that causes or is likely to cause alarm or distress; or
- b) Pursues a course of conduct that causes or is likely to cause alarm or distress, to at least one person who is not of the same household.”

4.3 Anti-social behaviour can manifest itself in many ways, often depending on local circumstances, and can range from a minor irritation to serious criminal activity. In practice, anti-social behaviour covers a wide range of actions and behaviour including, but not limited to, the following:

- Harassment and intimidating behaviour
- Behaviour that creates alarm, distress or fear
- Noisy neighbours
- Drunken and abusive behaviour
- Vandalism, graffiti and other deliberate damage to property
- Failure to control animals and pets
- Use or sale of drugs or other substances.

4.4 Relatively minor breaches of the Association's Tenancy Agreement, such as failure to maintain garden areas satisfactorily, will not normally be classed as anti-social behaviour but will be dealt with under the Association's estate management procedures

4.5 Where there appears to be evidence that a particular household is being deliberately targeted and subjected to incidents intended to annoy, intimidate or alarm them because of their ethnic background, colour, race, gender, sexual orientation, religion, disability or any other specific personal circumstances then this will be classed as harassment and will be dealt with under the terms of this policy.

- 4.6 When dealing with anti-social behaviour, the Association will consider where the anti-social behaviour is taking place and who is affected by it. Generally, the Association should only become involved in dealing with complaints of anti-social behaviour where that conduct either occurred at the tenant's rented property or in the locality of the rented property, or impacted a person, residing in or visiting the area where the rented property is located.

## **5. Policy Aims**

- 5.1 The Association will make every effort to ensure that its residents comply with their tenancy or residency conditions and can enjoy living in their homes and communities free from the effects of anti-social behaviour.
- 5.2 The following framework of aims and principles will guide the Association's response to complaints of anti-social behaviour.

### Taking Complaints Seriously

- All reports of anti-social behaviour will be taken seriously and individuals will be provided with the opportunity to discuss their concerns with staff.
- It is not necessary for initial complaints to be made in writing; however, we will provide forms to complainants to assist in this and to ensure that records of complaints are accurate. Verbal reports of complaints which are received and recorded by staff may need to be signed by the persons making the complaints.
- The Association will often need evidence in order to take action against someone who is behaving anti-socially. Complainants may be required to complete diary sheets to record what has been seen or heard. In serious cases complainants may be required to give evidence in Court.
- Anonymous complaints will be followed up where the matter is serious and there is independent evidence – e.g. obvious vandalism, damage or graffiti to a property – available to the Association. We acknowledge that anonymous complaints are sometimes an indication of fear of reprisal or intimidation.

### Responding to Complaints

- The Association will respond promptly to complaints of anti-social behaviour as we recognise that a speedy response can often result in issues being resolved before they escalate into more serious incidents.
- In dealing with reports of anti-social behaviour we will log all reports or complaints and will provide an acknowledgement within 24 hours of receipt.
- We will carry out investigations in accordance with the timescales listed below, which may include escalating a case if it becomes more serious:

#### **Category 1- investigation commenced within 1 working day**

This will relate to cases where there is a real threat of violence or an attempt on the life of the complainant - Police involvement is essential and the Association will only become actively involved with the support of the Police and relevant evidence from them. Target for completion of investigation and determination on course of action is 5 working days.

#### **Category 2 – investigation commenced within 5 working days**

This will relate to cases where there are frequent or persistent incidents or the incidents are serious and cause alarm or distress but are not life threatening. Target

for completion of investigation and determination on course of action is within 10 working days

### **Category 3 – investigation commenced within 10 working days**

This relates to cases where there are occasional incidents that are breaches of tenancy which are likely to cause a nuisance rather than alarm or distress. Target for completion of investigation and determination on course of action is within 20 working days

#### Fairness and Impartiality

- A consistent approach will be adopted to complaints which respects the rights of both the complainant and the alleged perpetrator(s).
- Where the Association is satisfied that one of its tenants is involved in anti- social behaviour then it will be proactive in trying to resolve the problems being caused.

#### Support to Victims

- Support, including regular feedback/updates on action taken or progress of cases, will be provided to the victims of anti-social behaviour.
- This feedback may include advice on the limitations of the Association's powers to deal with specific incidents or circumstances and on the most appropriate alternative agency to be contacted or involved.

#### Confidentiality

- The confidentiality of all parties involved in cases of anti-social behaviour will be respected. It is recognised, however, that parties involved in cases can often be identified from the nature of the complaints made.

#### Involvement of Others

- In responding to reports of anti-social behaviour the Association's staff may be required to approach other tenants or residents to seek confirmation or corroboration of events.
- In cases of persistent or widespread anti-social behaviour the support of community groups may be sought to assist in addressing problems and to support initiatives being pursued by the Association.

#### Remedies

- Except in cases of serious criminal activity or persistent serious anti-social behaviour the Association will attempt to achieve a resolution without recourse to legal action.
- This will be done with reference to the terms of the Tenancy Agreement and by working with appropriate voluntary and statutory agencies such as Community Safety Teams, Mediation Services, Police, Environmental Services, etc.
- Measures such as warnings/advice, Acceptable Behaviour Contracts, Parental Control Contracts and good neighbour agreements will be used where appropriate.
- Where preventative or management approaches fail to resolve cases then more formal action will be considered. The legal remedies which the Association might pursue include the but are not limited to the following:

- Notice of Proceedings
  - Anti-Social Behaviour Orders
  - Conversion to Short Scottish Secure Tenancy
  - Expedited possession proceedings following conviction of a serious offence
  - Eviction
- Where the Association does not have direct legal powers to take any particular course of action then it will seek the co-operation of the relevant agency to take action against the tenant(s) concerned.

### Drugs

- The Association recognises that the misuse of drugs can have a serious effect on those who misuse them, their families and their communities. Involvement with drugs can often have a direct link to anti-social behaviour, particularly where the supply or sale of drugs is taking place.
- While each case will be considered on its merits, the Association will normally seek eviction in cases where its tenants or members of their families have been convicted of the sale or supply of drugs to others.
- Convictions for the possession of drugs for personal use will not normally result in the Association seeking eviction unless there are other aspects of anti-social behaviour involved, such as nuisance to neighbours, damage to property, etc.

## **6. Working with Other Agencies**

- 6.1 The legislative framework means that many other agencies have a role to play in dealing with anti-social behaviour. This includes agencies such as the Police, Social Work Services, Environmental Health Services, Schools/Education Departments, Cleansing Services, specialist Anti-social Behaviour Teams, etc. The Association will work with all such agencies to seek effective responses to anti-social behaviour.
- 6.2 The specific statutory duty placed on police and local authorities to prepare anti-social behaviour strategies for their areas is acknowledged by the Association, which will co-operate in the preparation and implementation of these. In implementation of such strategies the Association will work with other agencies, including other local landlords, in appropriate community-wide initiatives aimed at achieving a consistent approach to tackling anti-social behaviour.
- 6.3 The Association may pay for external agencies such as mediation services; professional witness services, etc. where it is considered that the involvement of such agencies would assist in resolving, or provide information which might assist in resolving, cases of anti-social behaviour.

## **7. Incidents involving Tenants within supported accommodation**

- 7.1 In cases where the tenant resides in supported accommodation the basic principles of this policy remain the same. The type of tenancy agreement or occupancy agreement the tenant has must be taken in to account to ensure the relevant notices served at the appropriate time. In such cases there must be close working with the support agency and early notification of any concerns passed to the Association.
- 7.2 As part of a supported project regular review meetings will be undertaken but there will be instances where specific case conferences will be arranged to discuss specific cases.

These should involve as wide a range of agencies as possible which are involved with the individual involved. Also those who have Power of Attorney or are authorised persons who may act on the tenant's behalf. This will enable discussion about working together to resolve issues but if this does not lead to an improvement in the situation discussion regarding ending that tenant's occupation will occur. Part of this may be to consider alternative accommodation which is more suited to their individual needs.

## **8. Incidents Involving Persons who are not Tenants of the Association**

- 8.1 In cases where tenants of the Association are suffering anti-social behaviour from persons who are not themselves tenants of the Association or members of their families, the Association will work with other relevant agencies to attempt to secure a resolution of the problems.
- 8.2 Support and advice will be provided to the Association's tenants throughout the process. If it is possible for the Association to take direct action against perpetrators of anti-social behaviour who are not its tenants – e.g. for causing vandalism or damage to its properties – then it will do so.
- 8.3 Where tenants of the Association or members of their families are proven to be causing anti-social behaviour towards persons who are not tenants of the Association then it will pursue whatever remedies are available to it under the terms of the Tenancy Agreement and any other relevant legislation to deal with the problems being caused.

## **9. Preventative Measures**

- 9.1 The Association will seek to minimise the potential effects of anti-social behaviour through the design, construction, and improvement of its properties. This will include designing all new projects to "Secure by Design" standards and providing adequate sound insulation between properties where practical.
- 9.2 Our Anti-social Behaviour Policy will be publicised to existing tenants through information leaflets, tenants' handbooks, newsletters etc. All new tenants will be made aware of their responsibilities when they sign their tenancy agreement. By doing so we will seek to ensure that all our tenants are aware of our views on anti-social behaviour and the standards of conduct expected of our tenants.

## **10. Equalities Implications**

- 10.1 The Association aims to treat all customers with respect and professionalism and we will ensure that our service is fair and accessible to all. The Association will publish information that is easy to read and understand in a range of appropriate languages and formats. Where tenants have any particular needs or requirements, the Association will do all that it can to ensure that its services are tailored to these needs.
- 10.2 The Association will ensure that no individual is discriminated against on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or other personal attributes, including beliefs, or opinions, such as religious or political beliefs.

## **11. Sustainability Implications**

- 11.1 The approach outlined in this policy, working in tandem with our policies on Void Property Management, Estate Management and Allocations, ensures that the Association is striving to make positive contributions towards the sustainability of our communities. The Association acknowledges the negative impact that anti-social behaviour can have on the community and aims to ensure that this is kept to a minimum.
- 11.2 The Association will use the information gathered from the inspection of empty properties, from refusals and from exit surveys on termination to inform our long term strategies and priorities for the management of anti-social behaviour.

## **12. Risk Management**

- 12.1 The Management Board will consider the risk management factors of anti-social behaviour management including:
- Non-compliance with the regulatory requirements of the Social Housing Charter
  - The potential harm to the Association's reputation as a provider of quality housing developments as a consequence of poor or ineffective implementation of the policy.

## **13. Tenant Participation**

- 13.1 The Association consulted with tenants and staff when formulating the Anti-social Behaviour Policy in accordance with the regulatory and legislative requirements of the Housing (Scotland) Act 2001 and Social Housing Charter.

## **14. Complaints Procedure**

- 14.1 Any tenant, sharing owner and owner may submit a complaint, using the Association's complaints procedure if it is felt that the Association has failed to correctly apply the Anti-social Behaviour Policy.

## **15. Performance Monitoring**

- 15.1 The Association will monitor performance on anti-social behaviour using both statutory and local performance indicators as follows:

### **Statutory Performance Indicators – Social Housing Charter**

- Percentage of tenants satisfied with the management of the neighbourhood they live in (annual performance indicator)
- Percentage of anti-social behaviour cases reported in the last year which were resolved within locally agreed targets (annual performance indicator)
- The number of abandoned properties
- The number of notices of proceedings issued for anti-social behaviour
- The number of court actions initiated for anti-social behaviour
- The number of evictions undertaken for anti-social behaviour

## **Local Performance Indicators**

- Percentage of anti-social behaviour cases reported by local authority area which were resolved within locally agreed targets.
  - The number of abandoned properties by local authority area
  - The number of notices, court actions and evictions for anti-social behaviour by local authority area
  - The number of SST's converted to SSST's due to anti-social behaviour
- 16.2 Where appropriate the statutory performance indicators will be reported quarterly to the Management Board. The remaining performance indicators will be reported to the Operational Managers Group.
- 16.4 Staff will be authorised to pursue any appropriate action to resolve cases of anti-social behaviour. The Director of Customer Services will be given delegated responsibility to pursue the eviction of any tenant for acts of anti-social behaviour.

## **17. Policy Review**

- 17.1 The Association will carry out a further review of the Anti-social behaviour Policy in 2022. Amendments may be made as required following consultation with service users and other agencies.