



Anti-Social Behaviour Policy

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Charter Outcome	Number(s)
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Housing quality and maintenance	
Neighbourhood and community	6. Estate Management, anti-social behaviour, neighbour nuisance and tenancy disputes
Access to housing and support	11. Tenancy Sustainment
Getting good value from rents and service charges	

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Department	Housing Management

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Notes

Policy drawn up with reference to
The Housing (Scotland) Act 1987

The Housing (Scotland) Act 2001
The Housing (Scotland) Act 2010
The Housing (Scotland) Act 2014
General Data Protection Regulations 2018
The Criminal Justice (Scotland) Act 2003
The Crime and Disorder Act (Scotland) 1998
Anti-social Behaviour etc. (Scotland) Act 2004

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ANGUS HOUSING ASSOCIATION LIMITED

ANTI SOCIAL BEHAVIOUR POLICY

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 Angus 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 The 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.
- 1.6 The Association will support tenants so they can enjoy their home environment. We want our tenants to live peacefully with each other in their communities and to enjoy their homes without the nuisance and annoyance that inconsiderate or antisocial behaviour can cause.

- 1.7 Our tenants also have a responsibility to make sure that their actions, the actions of their household or visitors who come to and from their homes do not interfere with their neighbours' quiet enjoyment of their communities.
- 1.8 The Association recognise that in some cases particularly of a relatively minor nature, our involvement in neighbour disputes may exacerbate the situation and lead to "tit for tat" complaints and so will always encourage and support complainants to speak to their neighbour in the first instance and only involve us if this approach does not succeed in resolving the issue.
- 1.9 The Association will strive to resolve incidents of neighbour nuisance and antisocial behaviour to the best of our ability. We will do this by effectively communicating with all relevant parties involved throughout the investigation of the issue.
- 1.10 The Association will always follow law and Best Practice when taking action, using all powers available to deal effectively with incidents of anti-social behaviour caused by or affecting 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.
- 1.11 We will always follow law and Best Practice when taking action, using all remedies available
- We will always seek to ensure that the remedy used is proportional to the type of behaviour reported but recognise that even low level nuisance may result in serious action if it is repeated and the perpetrator refuses to desist.
- 1.12 Dependent upon the severity of a situation and the availability of witnesses, we may consider the use of professional witnesses.
- 1.13 We will rarely consider legal action against children. However, in the event that legal action is considered we will always work with agencies in the relevant local authority.

2. Context

- 2.1 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
- 2.2 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.

2.3 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.

3. Anti-Social Behaviour Definitions

3.1 Neighbour nuisance is the term used to describe thoughtless or sometimes deliberate behaviour that interferes with the complainant's enjoyment of their home and can generally be dealt with entirely through the operation of this policy.

3.2 The Antisocial Behaviour (Scotland) Act 2004 defines antisocial behaviour as conduct, which causes alarm, distress, nuisance or annoyance.

3.3 The Equality Act 2010 sets out the legal definition of harassment. It is essentially unacceptable behaviour that is unwanted, unreciprocated and is regarded as offensive by the recipient, whether or not the harasser intended it to be offensive. The behaviour is usually targeted at a particular individual or family based on one of the nine protected characteristics defined in the Equality Act.

4. Principles

4.1 The Association recognise the importance of tackling unacceptable or antisocial behaviour and understand the impact it can have on residents' lives. As a result we will not tolerate such behaviour and aim to take quick and effective action to tackle it.

4.2 The Association will respond to all complaints made about the behaviour of our tenants, but, other than to offer advice will not become involved in personal disputes which whilst they often result in neighbour complaints are not directly related to tenancy conditions.

4.3 We will try to prevent neighbour nuisance and antisocial behaviour by providing our Neighbour Nuisance leaflet and referring specifically to the relevant clauses of the tenancy agreement when signing up a new tenant. We will also provide new tenants with clear information about the type of conduct we consider unacceptable.

- 4.4 If we receive a complaint of harassment e.g. racial harassment, we will adopt a complainant centred approach and will always believe that the harassment has occurred whilst we investigate the facts.
- 4.5 The Association will encourage tenants and residents to report all racist incidents. We will also state the action that we will take to deter perpetrators and to give victims information and confidence to report racist incidents.
- 4.6 If the department allocates an available property to an applicant who has, or has someone living with them, who has behaved antisocially in the preceding three years before being considered for the tenancy, we will grant a Short Scottish Secure Tenancy (SSST) for a period of 12 months, in order to monitor the conduct of the tenancy. If we do not receive any complaints of antisocial behaviour and there are no other tenancy breaches during this period, the tenancy will automatically convert to a Scottish Secure Tenancy. We may extend the SSST for a further 6 months provided there are housing support services in place and will give the tenant the reason for doing this. Doing this allows the new tenant extra time to improve their behaviour.
- 4.7 If a tenant, members of their household or visitors have behaved antisocially, we may also convert an existing Scottish Secure Tenancy to a Short Scottish Secure Tenancy for a period of 12 months to monitor behaviour. During this period we will seek to support the tenant in their efforts to address the antisocial behaviour. If the behaviour improves the tenancy will automatically convert to a SST unless we decide to extend the SSST for a further 6 months. We will only do this if housing support services are in place and will tell the tenant why we are doing it. If the tenant fails to co-operate with the support and/or the behaviour continues we will seek a repossession order from the Court.
- 4.8 If the Association becomes aware that a tenant, a member of their household, sub tenant or a visitor, has been convicted of criminal or antisocial behaviour punishable by imprisonment (irrespective of whether the conviction itself imposed a term of imprisonment), in or in the locality of their home, we may consider taking repossession action against the tenant whether or not complaints have been made by neighbours. Such action will only be taken within 12 months of the date of the conviction, in line with the streamlined eviction process.
- 4.9 We aim to create and maintain conditions in which tenants can enjoy their home and surroundings in peace without excessive disturbance from others and will take positive and decisive action to deal with neighbour nuisance or antisocial behaviour. We will do this by:
- being clear with complainants when it is not appropriate or desirable for us to become involved in a dispute and, wherever possible, giving

advice on how best to resolve the issue or directing the complainant to a more relevant organisation who may be able to help

- where we decide that an investigation is needed we will do so efficiently and effectively, in confidence and within agreed timescales;
- taking any appropriate action, including court action against the perpetrators.

4.10 If appropriate the Association will investigate anonymous complaint, however we will always exercise extreme caution and discretion when dealing with anonymous complaints, as they may be malicious and may be a form of harassment.

4.11 Many neighbour complaints are received by phone when we will gather all of the information we need from the complainant to be able to deal with the issue. We will also complete a complainers questions and discuss with the complainer an appropriate form of action what action. It will often be necessary for staff to carry out home visits to the alleged perpetrator, which may on occasion be out of office hours. In such circumstances, staff will take the appropriate action in accordance with our Lone Working Policy.

5. Responding to Neighbour Nuisance and Antisocial Behaviour Complaints

5.1 The complaints we receive can range from minor incidents of neighbour nuisance to occasionally very serious antisocial behaviour, which can be life threatening. When we receive any report of neighbour nuisance or antisocial behaviour we will;

- Establish the facts of the complaint- nature of the incident(s)/behaviour giving rise to the complaint, frequency, duration and impact, gain contact details for any witnesses and ensure that the information is accurately recorded
- Decide whether or not the complaint would be more appropriately directed towards another agency (e.g Angus or Dundee City Council, the Police) and, if so, explain this to the complainant, providing contact details
- Consider whether mediation may be an appropriate response and if so arrange a referral
- Explain to the complainant how the complaint will be handled including timescales and possible outcomes

5.2 We will allocate the complaint to one of four categories which will determine whether and if so how quickly we will aim to investigate further and resolve the problem:

- Category 1

Incidents of a very serious nature including but not limited to, physical violence, criminal behaviour, harassment relating to a protected characteristic, significant escalation or increase in frequency of disturbances or excessive noise.

- Category 2

Incidents which indicate antisocial behaviour, such as persistent excessive noise, frequent disturbances, threats of violence, vandalism to property.

- Category 3

Incidents which clearly breach a tenancy condition, but which are of a relatively minor nature, e.g. occasional noise, stair cleaning, nuisance or disturbance

- Category 4

Incidents that would be more appropriately dealt with by another agency or where the most appropriate response is to provide advice only to the complainant. Where appropriate such incidents will be recorded and may be escalated to an investigation should the problem persist.

5.3 Appropriate timescales (locally agreed targets) for dealing with each of the above categories will be agreed with our Tenant Forum. These will be included in our procedure, monitored and reported to our Services Delivery Sub Committee.

5.4 Complaints can be made by phone or in writing (including by email or website). On receiving a complaint, staff will categorise it and aim to investigate and make an initial assessment within the agreed timescales. We will contact the person making the complaint to clarify what the problem is and obtain any further information we need. Staff will explain that reported incidents are treated confidentially, but sometimes the person causing the problem will be able to guess who has reported the incident.

5.5 When investigating the incident staff may visit other residents in and around the neighbourhood to seek witnesses. Normally, the witnesses must be over 16 and not related to the person reporting the incident. Staff will also contact

other agencies that may have been involved in the incident such as the Police, local authority, Mediation service etc.

- 5.6 If the behaviour complained about is persistent and repeated, the person(s) reporting the incident will be advised to keep a log of all incidents and telephone the police where necessary. In cases where an Antisocial Behaviour Order or repossession action are being considered the person will be made aware that they may be required to give evidence in court.
- 5.7 When staff have obtained all relevant information about an incident, they may visit the alleged perpetrator to discuss the problem. This can result in the tenant being given verbal advice or a formal warning as appropriate.
- 5.8 On completion of an investigation staff will write to both parties confirming the outcome.
- 5.9 For the avoidance of doubt, whilst we will always endeavour to obtain corroboration of a complaint, e.g by speaking to witnesses or using noise detection equipment, in the absence of corroboration, staff will exercise professional judgement based on their discussions with both parties and any witnesses and any previous history of neighbour nuisance in deciding whether or not the Scottish Secure Tenancy Agreement has been breached and, if so, the action to be taken.

6. Mediation

- 6.1 Mediation can be used to resolve neighbour disputes or antisocial behaviour such as:
 - one to one incidents where the anti-social behaviour is repetitive but not escalating;
 - when a group of tenants jointly report antisocial behaviour about one or more tenants
 - 6.2 Mediation will only work if all parties involved in the issue agree to participate but will often be suggested for category 3 or 4 and some category 2 complaints .
 - 6.3 We will offer mediation to help neighbours reach an agreement that all or both of them can live with. This may not always be a resolution of the problem but could be a measure towards this.
- ## **7.0 Acceptable Behaviour Agreements (ABA's) & Unacceptable Behaviour Notices (UBN's)**
- 7.1 An Antisocial Behaviour Agreement is a contract that can be used to ensure that an individual agrees to act in a manner acceptable to the community and

the Association. They are normally issued following a joint visit between the Police and Housing Officer and can be useful in helping to address unacceptable behaviour.

- 7.2 If a tenant refuses to engage with the ABA process then an Unacceptable Behaviour Notice can be served. This will detail the behaviour deemed to be unacceptable
- 7.3 Any ABAs or UBNs must be reported to the Police and should be monitored regularly

8. Breach of Tenancy Agreement

- 8.1 If a tenant has been found in breach of his or her tenancy agreement there are several courses of action we may take dependent on the severity, impact or the frequency of the behaviour. This can range from a warning letter to more serious action such as converting the tenancy to a Short SST, an Antisocial Behaviour Order or eviction.
- 8.2 Although we will maintain confidentiality as far as possible when investigating reports of antisocial behaviour, if an Antisocial Behaviour Order is granted and it is appropriate in the circumstances, we will inform neighbours that an Order has been granted and the terms of the Order so that they can monitor the effectiveness of the Order and report any breaches of the terms (which are a criminal offence) to the police.

9. Management Transfers

- 9.1 We may consider management transfers in exceptional circumstances only, such as when a tenant or member of a tenant's family is subject to such serious antisocial behaviour or harassment that they are unable to remain in their present home and the relevant local authority is unable to assist under Homelessness legislation.
- 9.2 Management Transfers are reported to the Services Delivery Sub Committee

10. Eviction

- 10.1 We will instruct repossession action as a last resort, when all other appropriate remedies to stop the antisocial behaviour have been considered or have failed.
- 10.2 Evictions will only occur after they have been considered by Senior Management. Evictions will be reported to the Services Delivery Sub Committee for approval, however the tenant's identity will not be disclosed.

11. Equal Opportunities

- 11.1 We will not discriminate in the operation of this policy on the basis of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity; race, religion or belief, sex, or sexual orientation.
- 11.2 We aim to promote equal opportunities and comply with the requirements of the Equality Act

12. Staff Training

- 12.1 All relevant staff will receive training in order for them to understand and apply our policy appropriately.

13. Monitoring & Performance

- 13.1 All reports of neighbour nuisance or anti-social behaviour are recorded on the Association's database allowing us to identify repeat offenders and monitor our performance.
- 13.2 The Senior Housing Officer is responsible for monitoring all incidents of neighbour nuisance or antisocial behaviour as part of the ongoing performance reporting and review process.
- 13.3 The Services Delivery Sub Committee will monitor performance through the submission of quarterly reports to make sure that the aims of this policy are being achieved.

14. Review of Policy

- 14.1 This policy will be reviewed 4 years from the date of implementation, which will be the date the policy is approved by the Committee of Management, or earlier, if there is a change in legislation or as deemed appropriate.