



ANTI SOCIAL BEHAVIOUR POLICY

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Introduction

The objective of the Association's Antisocial Behaviour Policy is to ensure that neighbour disputes and antisocial behaviour is tackled quickly, effectively and fairly in line with current legislation, good practice and tenancy conditions. We will seek to implement preventative measures where possible and we will consider and use a range of options, including legal measures, to resolve issues. It is fully compatible with the requirements of the Scottish Housing Charter and ensures ng homes zero tolerance approach to antisocial behaviour is fully embraced across the whole organisation.

Policy Summary

This policy establishes ng homes' commitment to assisting tenants and applicants who are victims of antisocial behaviour.

Policy Links

This Antisocial Behaviour policy is linked to our Domestic Abuse Policy, our Hate Crime Policy, our Customer Care Policy, our Complaints Policy, our Allocation Policy and our Dealing with Antisocial Behaviour Procedure Manual "Getting it RIGHT first time".

Policy Aims

This policy describes ng homes' approach to dealing with antisocial behaviour and will outline the way in which antisocial behaviour complaints are dealt with taking account of current legislation.

Feeling safe and secure increases the sustainability of communities and promotes community cohesion, health and wellbeing. Within our Antisocial Behaviour Policy we highlight how we will strive to ensure that everyone within our neighbourhoods feels safe and secure.

To help people achieve this goal we are committed to minimising incidences and perceptions of antisocial behaviour. To do this successfully, we must strike a balance between prevention, early intervention, support and enforcement.

This policy will ensure that anti-social behaviour complaints are accepted and investigated regardless of the tenure of the person reporting the complaint. Where a complaint is received against an Association tenant from persons other than another Association tenant, e.g. tenant of another landlord, visitor, sharing owner, owner, shopkeeper, then such complaints will still be dealt with under the terms of this policy to investigate any alleged breach of Tenancy Agreement.

The Association will not become involved in disputes which are not related to the tenancy conditions and we cannot take action against people who are not our tenants. We will, however, offer advice and assistance in making referrals to agencies that can be of assistance where appropriate.

Past experience has shown us that partnership working is paramount in reducing antisocial behaviour and increasing feelings of safety and security. We work closely with Police Scotland, Scottish Fire & Rescue, Glasgow City Council and other existing partnerships whilst looking to develop authentic relationships with other organisations where it will add value.

In order to achieve our aspirations, we attempt to empower our communities to feel safe and secure. This will involve, amongst other measures, listening to our tenants and residents and engaging them in a meaningful way to reduce incidences and perceptions of antisocial behaviour, and inspiring confidence by communicating our actions to them and delivering a service of which we can be proud. Our success will be measured not only in terms of the action we take but also the action we are seen to be taking.

- Ensure that our services are relevant, responsive and sensitive to the needs of our existing and future clients.
- Be proactive and take measures to prevent antisocial behaviour in our community. This will include publicising successful actions if it is in the interest of the wider community, our aim being to deter further instances of antisocial behaviour.
- Ensure that all sections of the community in which we work have equal access to our services.

Key Policy Objectives

The key objectives of ng homes are to:

- Investigate all reported incidents of antisocial behaviour in accordance with locally agreed target timescales, taking effective and proportionate action, including legal remedies where alternative interventions have proven unsuccessful.
- Ensure that our approach to Case Management is customised to suit the needs of the victim and the severity of risk posed by the perpetrators
- Prevention and Early Intervention will start from the moment we are made aware of an incident occurring or have concerns about the welfare and safety of individuals
- Support will be provided to both the victim and the perpetrator where required
- Enforcement will mainly occur in the most serious of cases, but will be considered and utilised whenever appropriate
- All information/ intelligence will be treated with the strictest confidentiality and Data Protection legislation will be adhered to
- Development of our robust Procedures Manual, "Getting it RIGHT first time" will ensure a comprehensive, methodical, systematic and universal approach to dealing with antisocial behaviour issues
- Maintain accurate records relating to antisocial behaviour and monitor case progress and outcomes.

Legislative and Regulatory Framework

This policy has been developed within a framework that ensures proper compliance with legislation, regulatory advice and good practice.

This policy adheres to the Housing (Scotland) 2014 Act. It also meets following legislative provisions relating to the policy:

- Housing (Scotland) Act 2001
- Anti-Social Behaviour etc. (Scotland) 2004

- Crime and Disorder Act 1998
- Misuse of Drugs Act 1971
- Equality Act 2010
- Environmental Protection Act 1990
- Civic Government Scotland Act 1982
- Human Rights Act 1988
- Dangerous Dogs Act 1991
- Disability Discrimination Act 1998
- Race Relations Act 1976 (Amendment) Regulations 2003;
- Criminal Justice (Scotland) Act 2003
- Housing (Scotland) Act 2010;
- The Scottish Secure Tenancy
- The Short Scottish Secure Tenancy

This policy complies with the following regulatory requirements contained in the Scottish Social Housing Charter:

Outcome 1: Equalities

Social landlords perform all aspects of their housing services so that: 'every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services'.

Outcome 2: Communication

Tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides

Outcome 6: Estate Management, antisocial behaviour, neighbour nuisance and tenancy disputes

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."

Outcome 11 - Tenancy sustainment

Social landlords ensure that: "Tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations."

Definition of Antisocial Behaviour

There is no commonly agreed definition of antisocial behaviour; therefore, this section draws on the definition from the Antisocial Behaviour etc. (Scotland) Act 2004 which defines antisocial behaviour as:

"A person engages in antisocial behaviour if they act in a manner that causes or is likely to cause alarm and distress or pursues a course of conduct which causes or is likely to cause alarm and distress to at least one person who is not of the same household. (Course of conduct must involve conduct on at least two occasions)"

Section 3, paragraph 3.1 of the Scottish Secure Tenancy states:

'You, those living with you, and your visitors, must not harass or act in an anti-social manner to 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.'

Antisocial behaviour may include, but is not limited to the following:

- Noise disturbances
- Harassment
- Hate crime
- Violence or threats of violence
- Verbal abuse
- Vandalism and graffiti
- Drug dealing

There are some instances and behaviours which do not constitute anti-social behaviour and there is very little action the Association can take to resolve these issues. In many instances, conflicts between residents arise out of a clash of lifestyles and expectations.

Some examples of these types of disputes are listed below but is not exhaustive:-

- Incidents that involve noise from vehicles such as ice cream vans or taxis which should be reported to the Land and Environmental Services Unit at Glasgow City Council.
- Problems with behaviour of staff from other agencies who are not employed by ng homes.
- Doors closing or people walking across wooden floors or going up and down stairs.
- Noise from washing machines/driers/vacuums/mowers at certain times
- Parking disputes/revving engines/music from cars/poor driving.
- Cooking smells.
- Disputes over reasonable use of common areas.

We also recognise that, in some circumstances, there may be limits on what the Association can do to resolve alleged anti-social behaviour. Examples include:

- There is no evidence or corroboration to support the claims.
- An investigation concludes that there was no evidence of anti-social behaviour or breach of tenancy.

Reducing Conflict Through Preventative Measures

Association Responsibilities

Our tenants are entitled to live in their homes free of harassment, fear and disruption from others. We believe that reducing opportunities of conflict and neighbour disputes is best achieved through prevention and early intervention. We will not simply react to problems but will also be proactive to prevent them from occurring. This includes:

- Promoting awareness of neighbour nuisance and anti-social behaviour and ways of addressing it;
- Housing applications may be suspended where evidence exists of an anti-social behaviour problem and a warning has been issued;
- The sign-up and settling in visit reinforcing the legal contract between landlord and tenant, explaining how neighbour nuisance and anti-social behaviour is investigated and tackled;
- Information leaflets that provide advice on neighbour nuisance and anti-social behaviour and what the Landlord can do to help;
- The design of new developments informed by need to prevent nuisance and anti-social behaviour problems;
- When applicable, use Short Secure Tenancies to deal with appropriate cases of anti-social behaviour;
- Remove graffiti quickly and review security provision as part of ongoing maintenance work;
- Gather information to highlight emerging problems and target preventative measures.

Tenant responsibilities

We make sure that all our existing and prospective tenants are fully aware of their responsibilities and of the action that will be taken against them if they (or anyone for whom they are responsible) behaves in an unacceptable and antisocial manner in their tenancy. We do this at different stages within their tenancy by:

- discussing what is acceptable and unacceptable behaviour and the importance of being a good neighbour at the sign up stage.
- reminding our tenants of their tenancy agreement responsibilities and issuing our tenants' handbook, when available which gives information on how we deal with antisocial behaviour, or pointing to areas on our web site which provides additional information.
- carrying out settling in visits (usually) within six weeks of a new tenancy to discuss any issues and potential areas of conflict with neighbours.

Categorising Complaints

Anti social behaviour complaints will be categorised to encourage consistency of approach and to clarify to all concerned the likely response of the Association. These categories are:

Category	Examples
A – Very serious	Allegation of drug dealing. Criminal behaviour. Behaviour involving threats of violence. Housebreaking. Serious harassment. Hate crime. Serious damage to property including fire raising and malicious mischief
B – Serious	Allegations of aggressive/abusive behaviour. Frequent disturbance. Vandalism. Drug/solvent/alcohol abuse. Verbal and written harassment. Persistent noise.
C – Less serious	Other breaches of tenancy. Failure to maintain cleanliness of

	<p>common areas.</p> <p>Misuse of bin stores.</p> <p>Noise.</p> <p>Family disputes affecting neighbours.</p> <p>Environmental issues.</p> <p>Control of pets.</p>
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The management of anti social behaviour can be resource intensive in terms of staff time and financial costs. It is important that staff who are managing antisocial behaviour cases are provided with support from colleagues, line management and our legal advisors.

Detailed procedures and guidance for staff on how to manage anti social behaviour accompany this policy. The Procedure Manual 'Getting it RIGHT first time provides reporting proformas and associated paperwork to assist with investigations and management of anti social behaviour.

Communications, Support and Advice

Managing reports of antisocial behaviour requires a multi-agency approach. ng homes will ensure that victims are placed in contact with appropriate agencies for specialist advice and support with their consent. ng homes do not provide legal advice or counselling services but refer to other specific agencies when required.

Non-legal remedies to address anti social behaviour

There are a range of measures to address ASB which range from the non-legal to the formal. Non-legal measures should always be pursued first with formal legal action a last resort. Non-legal measures include (but are not limited to) the following

- Mediation - Mediation is a voluntary process where an independent third party helps conflicting parties to work through their differences and disagreements. The aim is for agreement to take place between the two

parties on their future behaviour. Employees should use a specialist mediation service, unless in house employees or residents have been trained in mediation. Mediation must be attempted to resolve an ASB case before any legal action is taken if it is appropriate to the circumstances of the case. By getting all interested parties together a solution may be found.

- Housing Officers can refer tenants to support services, which may offer assistance in dealing with possible breaches of tenancy.
- Verbal/written warnings - Prior to legal action these can be simply and effectively undertaken, and copies retained on the tenant's housing file.
- Acceptable Behaviour Contracts (ABCs) - An ABC is a voluntary contract offered to perpetrators of ASB, widely used with young people. ABCs are offered as a final opportunity to the perpetrator to amend their behaviour prior to commencing legal action if no improvement is made. The contract usually stipulates that the tenant or an occupant of the tenant's home does not carry out certain acts.

ABCs may be appropriate under the following circumstances:

- The behaviour is not serious enough to warrant an ASBO possession proceedings.
- There is not enough evidence to pursue a legal remedy.
- The behaviour is caused by a minor.
- There is a need to remedy the behaviour quickly.
- There is a need for early warning of consequences, should behaviour continue.
- There is an opportunity for parents or families or support services to intervene.

Legal remedies to address anti social behaviour

Legal remedies can be used alongside other strategies. Only when preventative and management approaches have failed to resolve the problem will the use of legal remedies be considered. 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. The following legal remedies will be considered

- Interdicts/Specific Implement
- ASBOs
- Conversion from SST to SSST
- Interim ASB orders
- Use of SSST
- Possession proceedings.

The Housing Officer should refer to the Senior Housing Officer to decide whether to pursue legal action.

If a tenant, household member or visitor of the property, is convicted of using the house or allowing it to be used for immoral or illegal purposes, or of an offence punishable by imprisonment committed in or in the locality of the property, ng homes are entitled to seek a court order for eviction. If ng homes decide to seek an eviction, a Notice of Proceedings must be served first. This notice must be served within twelve months of the date of the conviction (or within twelve months of the conclusion of an unsuccessful appeal against the conviction). Tenants will have a right to challenge the decision.

Action will be taken for the supply of drugs within an ng homes property. If the case is referred to court, the tenant will be advised by letter and informed that they may be liable for any legal fees incurred. The letter will also signpost the tenants to appropriate advice and support. If proceedings for possession are raised, in order to comply with Section 11 of the Homelessness etc. (Scotland) Act 2003, ng homes must ensure that the local authority have been sent a Section 11 notice, no later than four weeks before the eviction date is set. Where Decree for Eviction is granted, an Eviction Report must be presented to Housing Services Committee for approval before the Decree can be implemented.

If racial harassment or hate based harassment is proved, ng homes must take robust legal action against the perpetrator where the consent of the victim is given. Legal advice should be obtained, and a record kept on database of the advice received, decisions on further action with reasons.

Conversions to Short Scottish Secure Tenancies - A notice can be served on an existing tenant to end an SST and demote it to a SSST if they have been subject to an ASBO in their existing tenancy or where a tenant or someone living with the tenant has acted in an antisocial manner, or pursued a course of conduct amounting to harassment of another person.

This conduct must have been in or around the house occupied by the tenant and it must also have happened in the 3 years before the notice is served. The notice must specify the tenant and/or member of the tenant's household who is subject to the ASBO or, where no ASBO has been granted by the court, the notice must include the actions of the person who has behaved in an antisocial manner, our reasons for converting the tenancy and details of the tenant's right of appeal to the court. The association can also convert a SST to a short SST where the ASBO was given at a previous address by a different landlord, provided the tenancy at the previous address had been a SST.

Anti-Social Behaviour Complaints and Board Members

If an anti-social complaint is made by or about a Board member or a member of their immediate family it will be treated as any other complaint with the exception noted below:

- Any Board members directly involved in such a complaint must not be in attendance at a Board meeting during discussion of a specific case or discussion of a policy matter which has a direct bearing on the Association's response to the complaint.
- Board members who have an indirect involvement in a specific case e.g. if they are resident in a close where a dispute or incident occurred will

consider their attendance during any relevant discussion at a Board Meeting.

- If upon investigation it is revealed that a Board member is behaving in an anti-social manner they will be removed from the Board under the terms of Rule 43.2 and 44.1

Complaints Procedure

The Association has a published Complaints Policy and procedure which can be applied where there is any dissatisfaction with this policy or the operation of this policy. Customers can request a copy of the Complaints Policy or this can be accessed on the Associations website.

Confidentiality

ng homes staff will ensure that they only involve other agencies and share information with the consent of the tenant concerned, unless:

- The information is necessary for the protection of children
- ng homes are required by law, for example ng homes staff cannot withhold information if being questioned by Police during a criminal investigation

UK General Data Protection Regulation 2021 (UK GDPR)

The ng group will treat your personal data in line with our obligations under the UK General Data Protection Regulation 2021 (UK GDPR) and our own Data Protection Policy. Information regarding how your data will be used and the basis for processing your data is provided in our Fair Processing Notices. The organisation will treat your personal data in line with our obligations under the UK General Data Protection Regulation and our own Data Protection Policy. Information regarding how your data will be used and the basis for processing your data is provided in our Fair Processing Notices.

Equality Impact Assessment

This Policy is equally applicable to all. It is recognised that in applying this Policy any necessary action will be taken where appropriate, including making reasonable adjustments, to ensure that there is no detrimental impact to protected characteristics groups.

Review

This Policy will be reviewed every five years or earlier in line with regulatory or legislative guidance/changes or good practice guidelines.