

Anti-Social Behaviour Policy

1. Policy Statement

The policy conforms with the Housing (Scotland) Act 2001 and guidance from the Antisocial Behaviour (Scotland) Act 2004. It also follows best practice guidance issued by the Chartered Institute of Housing and the Scottish Federation of Housing Associations.

2. Other References

2.1 We refer to anti-social behaviour in our Tenancy Agreement: Sections 3 (Respect for Others) and 6 (Ending the Tenancy). These sections are highlighted during the explanation of the Summary Tenancy Agreement when applicants sign their Tenancy Agreement with the Association.

2.2 We also refer to anti-social behaviour in our Estate Management Policy, our Allocations Policy and in our Tenants' Handbook. Applicants who have been evicted for anti-social behaviour or where there is substantiated evidence of extreme or serious behaviour will not normally receive an offer of housing.

2.3 Where an order of repossession due to anti-social behaviour or harassment has been served on the applicant or any joint applicant within the preceding three years then they may be offered a Short Scottish Secure Tenancy (SSST), which has less security of tenure.

2.4 Where an order of repossession due to anti-social behaviour or harassment has been served on a tenant, a joint tenant or a person who resides with the tenant, then they may be offered a Short Scottish Secure Tenancy (SSST).

3. Policy Aims and Objectives

3.1 The Association is committed to providing a high quality housing service which allows all its tenants to live without undue disturbance or disruption from others and to enjoy the amenity of their home and surrounding area. The Association will help tenants maintain the quiet enjoyment of their homes by responding to complaints made about their neighbours.

3.2 Our objective is to attempt to resolve complaints consistently, sensitively and to the reasonable satisfaction of all.

3.3 We aim to:

- Respond to complaints quickly, effectively, sensitively and consistently, investigating them and keeping accurate records.
- Keep complainants informed of progress.
- Advise and support victims of anti-social behaviour.
- Ensure early action is taken to minimise the potential of escalation.
- Recognise the importance of multi-agency working with our key partners.
- Adopt a range of measures to deal with anti-social behaviour.

3.4 We will encourage the reporting of incidents of anti-social behaviour which may be:

- Verbally to a member of staff.
- By phone to the Customer Service Team or Housing Officer.
- In writing.
- On-line.
- By the observation of a member of staff.

- Through a third party e.g. police.

4. Definition

Under the Antisocial Behaviour etc. (Scotland) Act 2004, a person acts in an anti-social manner if they:

- act in a manner that causes or is likely to cause alarm or distress; or
- pursue a course of conduct that causes or is likely to cause alarm or distress to at least one person not of the same household; “conduct” includes speech and a course of conduct must involve conduct on at least two occasions.

4.1 Anti-social behaviour can be defined as any behaviour which affects a person's quality of life and the peaceful enjoyment of their home and surrounding area and which in the Association's opinion constitutes an annoyance or nuisance. There are a wide range of issues that can be classified as neighbour disputes, and anti-social behaviour. These may include communal areas not being cleaned, untidy gardens, noise, pet fouling, threatening and / or abusive behaviour, disturbance, vandalism, drug dealing, assault, house-breaking and harassment.

5. The Association will define three categories of anti-social behaviour to reflect the severity of the complaint. The categories and response times are as follows:

Category A – Response within 3 working days

Category A includes domestic abuse, racial harassment, physical violence, threatening behaviour whether or not influenced by alcohol and / or drugs and causing or threatening to cause damage to property.

Category B - Response within 5 working days

Includes noise complaints, nuisance pets and other tenancy breaches.

Category C – Response within 10 working days

Includes Estate Management issues such as:

- Dumped furniture / mattress etc.
- Dirty Close (unless complaint against cleaning Contractor – then log as stage 1 complaint in SDM).
- Dog fouling.
- Vandalism.
- Overgrown garden.

Reports of Estate Management issues which fall into Category C will be handled by the Customer Service Team.

5.1 Target for completion

5.1.1 With regard to Categories B and C the Association has a locally agreed targets for completion and closure of cases which is within 28 days.

5.1.2 Category A cases, being the more serious cases, are of a more complex nature. For KPI purposes we work to a target of 122 days. However these cases involve starting legal action, requesting

police reports, seeking an anti-social behaviour order and a possible court order to evict, and hence can be an extremely lengthy process.

6. Other Agencies

We will work in partnership with Dundee City Council's Anti-Social Behaviour Team, the Community Safety Wardens, Police Scotland – in particular the Community Intelligence Unit, Social Services, tenant groups, owners and other appropriate organisations.

7. Who Is Affected?

7.1 The Association's Policy is applicable to the Association's tenants, their families, other occupants living with them, their visitors, together with owner occupiers and other residents in and within the vicinity of their homes in any of our estates.

7.2 Whereas often the complaint will be from a tenant against another tenant there will be times when owners are involved. The following is applicable in cases involving owner-occupiers.

7.3 Complaint from an Owner about a Tenant

Complaints made by owner-occupiers against the Association's tenants will be investigated under the same procedures as complaints made by tenants, with any appropriate action being taken.

7.4 Complaint from an Tenant about an Owner

7.4.1 When complaints are made by a tenant against an owner-occupier the tenant is advised to forward the complaint to Dundee City Council's Anti-Social Behaviour Team to investigate.

7.4.2 Where the complaint is in connection with a breach of the Title Conditions we will write to the owner making clear the clauses in the Deed of Conditions that have been breached.

7.4.3 An interdict could be raised in relation to the behaviour contravening the obligation. If this is ignored; further action can be taken for breach of interdict.

7.4.4 The Housing Officer must liaise with the Housing Manager and seek advice from the Association's solicitors when considering legal action against an owner.

7.4.5 Should the Housing Manager recommend legal action, then the Chief Executive must also approve the action.

7.5 Complaint from an Owner about an Owner

Where a dispute is between two owners they will be advised that they should contact their solicitors, as the Association will not get involved. If applicable we will advise them of other agencies that may be able to assist them.

8. Types of Action

8.1 We will take early positive and decisive action to deal with cases of anti-social behaviour which proves detrimental to our tenants' rights to the peaceful enjoyment of their homes. This will include visits, letters, and liaising with other agencies where appropriate, mediation and legal action.

8.2 As a last resort the Association will pursue Anti-Social Behaviour Orders (ASBOs) against the perpetrators (applicable to all residents and non - residents) and / or we will seek to end the tenancy of those tenants that are the cause of persistent and substantiated complaints

from their neighbours. We will also be prepared to instruct actions of interdict and specific implement where appropriate.

9. Legal action

9.1 The Housing Manager / Senior Housing Officer will decide whether and what form of legal action will be taken seeking advice, where required, from the Association's solicitors. We will be prepared to use professional witnesses in certain circumstances such as persistent, extreme and serious cases where residents are reluctant to give evidence in court or in addition to verbal or written evidence from residents. Professional witnesses may include the Police, Social Work and housing staff.

9.1.1 The decision to use professional witnesses will rest with the Housing Manager.

9.2 Notice of Proceeding (NOP)

We will raise proceedings by serving an NOP on the tenant for recovery of possession where there is a breach of tenancy conditions.

9.3 Eviction

9.3.1 It is recognised that securing a Decree for Repossession for anti-social behaviour can be extremely difficult, costly and time consuming, particularly when firstly an ASBO may have to be obtained.

9.3.2 In order to convince the Sheriff of the 'reasonableness' of the case, the Association must demonstrate that all other avenues will have been tried and rejected or proven to be unsuccessful or unworkable. Our case must be comprehensive and substantiated.

9.3.3 When Decree is obtained, in accordance with our Delegated Authority, the authorisation of the Chief Executive (or the Corporate Services Director in the absence of the Chief Executive) must be obtained before the eviction can proceed.

9.4 Antisocial Behaviour Orders (ASBOs)

9.4.1 An ASBO is a Civil Court order that tells someone to stop behaving in an anti-social way. For example, an ASBO can order someone not to play loud music, or swear or shout at their neighbours, or prevent a person from entering a particular area.

9.4.2 Breach of an ASBO is a criminal offence and carries a statutory power of arrest. An ASBO can be sought against any person irrespective of their housing tenure.

9.4.3 The Association will liaise fully with Dundee City Council's Anti-Social Behaviour Team and the Community Intelligence Unit before seeking an ASBO. This is particularly relevant should the person be aged between 12 and 15 when it is necessary to work alongside support services in addition to Police Scotland.

9.4.4 It will normally be the case that an interim ASBO will be applied for it can impose the same prohibitions on a person as a full order and carries the same penalties as a breach of a full order. It can be obtained more quickly than a full ASBO and can provide more immediate protection in the interim prior to the full order.

9.5 Tenancy Conversion: Scottish Secure Tenancy (SST) to Short Scottish Secure Tenancy (SSST)

9.5.1 Where an ASBO is awarded against an Association tenant, then the Housing Manager will

consider if it is appropriate to convert the SST into an SSST. This will last for a minimum of 6 months and a maximum of 12 months. During the period of the SSST and depending on the behaviour of the tenant / tenant's family, the tenancy may be ended, the SSST continued for a further 6 months or the tenancy will be converted back to an SST.

9.6 Closure Orders

These are essentially police powers where the police have the power to close premises for a period of 3 months initially which can be extended.

9.7 Tenancy Warnings

We will normally issue a first tenancy warning and make the tenant aware that further complaints could affect their tenancy. If no improvement then a final warning may have to be given. Serving an NOP should only be considered once previous written warnings have been given or if the behaviour was extreme. The NOP will allow the Housing Officer to monitor the anti-social behaviour over a 6 month period.

9.8 Acceptable Behaviour Contracts (ABC)

An ABC is a written agreement between a 5 to 18 year old, their parents, Police Scotland and the Landlord. The agreement normally requires that the young person must not continue with certain identifiable acts, which could be considered to be anti-social behaviour. The contract is not legally binding but can be referred to in court proceedings as evidence that the police and the Association have attempted to amend the young person's behaviour. In some cases it may be beneficial to enter into an acceptable behaviour contract, a voluntary agreement lasting for six months, to ensure the person understands the impact their behaviour is having on their neighbours/community.

10. **Victim Support**

The Association's key aim is to minimise the impact of anti-social behaviour on victims. We will provide information and support to victims either directly or through liaison with our key partners

11. **Prevention**

11.1 We will aim to minimise effects of anti-social behaviour through design (in new developments) or through upgrading and replacement where it is practical to do so. These may include:

- Secure external doors and windows.
- Secure controlled entry systems to flats.
- Adequate fencing and lighting.
- Security in empty properties.
- Layout design of new developments.

11.2 We will raise awareness of our commitment to dealing with anti-social behaviour by, for example, raising the issues at residents' meetings and articles in our newsletter, providing a leaflet and guidance on our website, stating that anti-social behaviour is not acceptable, that the consequences are understood and that we take robust action to deal with it.

12. **Exchange of Information**

12.1 The need to exchange information should not be seen as a barrier to implementing successful anti-social behaviour action. Section 139 of the Antisocial Behaviour etc. (Scotland) Act 2004 provides the legal protection to persons disclosing information where the disclosure is necessary for the purposes of dealing with anti-social behaviour or its effects.

- 12.2 The Association has information sharing protocols between Police Scotland and Dundee City Council which facilitates the sharing of information to be carried out quickly and efficiently. This is usually between the Association and the Council's ASB Team and The Community Intelligence Unit of Police Scotland.
- 12.3 In addition, surveillance equipment may be used to help progress an investigation or to gather evidence. The Housing Officer will seek approval from the Senior Housing Officer before placing surveillance or sound recording equipment in properties. This will only be used where it is agreed that such use may be beneficial for preventing/detecting crime, ensuring public safety or protecting public health.
- 13. Complaints**
- 13.1 Recording Complaints
We will record all details of complaints received by registering them in the Complaints module in SDM, ensuring that they are logged against the appropriate category.
- 13.2 Monitoring Complaints/Feedback Analysis
- 13.2.1 SDM will measure the timescale for completion of ASB complaints based on the target timescales set by Category. All ASB recorded in Categories A and B will be reported as part of the Annual Charter Returns (ARC) to the Scottish Housing Regulator.
- 13.2.2 The Senior Housing Officer will carry out a quarterly quality assurance check of a random 20% sample of ASB cases to ensure they have been logged in the correct Category and that attachments, correspondence etc. have been attached.
- 14. General Data Protection Regulations**
The Association will treat personal data in line with its obligations under the current data protection regulations and our own Privacy and Data Protection Policy. Information regarding how personal data will be used and the basis for processing personal data is provided in the Association's Fair Processing Notice.
- 15 Risk Management**
The risks associated with anti-social behaviour are incorporated within the Association's Risk Management Framework.
- 16 Equal Opportunities**
The protected characteristics enshrined in the Equality Act 2010 are respected when ensuring compliance with the Association's obligations in relation to anti-social behaviour.
- 17. Policy Monitoring and Review**
- 17.1 The Housing Manager will monitor the implementation and operational effectiveness of the Anti-Social Behaviour Policy.
- 17.2 The Association will monitor the Policy by seeking the views of tenants by, for example, satisfaction surveys and questionnaires to those who have made a complaint and by monitoring trends in the numbers and categories of complaints.
- 17.3 The Anti-Social Behaviour Policy will be reviewed every four years or as and when deemed necessary.