



## ANTI-SOCIAL BEHAVIOUR JOINT POLICY

POLICY IMPLEMENTATION CHECKLIST	
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<b>Author:</b>	Area Housing Manager
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# **CORDALE HOUSING ASSOCIATION LTD**

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

### **1. Introduction**

- 1.1 The purpose of this Policy is to set out the Association's position in respect of managing anti-social behaviour as far as reasonably possible and to provide a framework within which incidents of anti-social behaviour will be managed by the Association's staff in partnership with other agencies when required.
- 1.2 Cordale Housing Association is committed to ensuring that its homes and communities are pleasant and secure places to live. The Association recognises 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 Cordale 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.

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

- 2.1 This policy describes the activities and responsibilities of 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 POLICY STATEMENT**

- 3.1 Cordale Housing Association recognises that anti-social behaviour is a serious issue and that it can cause distress to residents in many ways. Cordale Housing Association will not tolerate anti-social behaviour in any form and will take quick and effective action to resolve it.

Anti-social behaviour that is not challenged can often become the root cause of failing communities. Areas with high levels of nuisance often report low levels of resident satisfaction, leading to increased requests for transfers, properties becoming harder to let and increased maintenance costs.

Cordale Housing Association recognises that anti-social behaviour can take many forms including noise, uncontrolled pets, abuse, abandoned vehicles, drug misuse and crowd disorder.

We know that the environment in which people live can influence their quality of life and life opportunities. Where local residents don't feel safe and where neighbourhoods don't have opportunities to thrive we will aim to work with residents, other local people and services to improve those neighbourhoods. We know if we don't deliver quality services and seek to constantly improve them it can have a negative impact on the quality of life for Cordale Housing Association residents and other local people and also impact on the Association's reputation and ability to attract new residents and businesses to our area.

## 4 LEGISLATIVE FRAMEWORK

4.1 This section outlines the key areas of legislative provisions which the Association considered in the formulation of this policy and also how we can manage solutions for reducing anti-social behaviours

The legal framework which the Association will work within includes the provisions made within the following legislation:-

- **Misuse of Drugs Act 1971** – This act places a duty on us to report any known incidents of drug activity/misuse within our neighbourhoods to the Police.
- **Crime and Disorder Act 1998** – Introduced Anti-Social Behaviour Orders
- **Data Protection Act 1998** – This act requires us to observe certain conditions regarding the sharing and gathering of information about individuals. Section 139 of the Anti-Social Behaviour Act 2004 promotes the exchange of information between “Relevant Authorities”.

*We will hold information relevant to individuals, both reporters of and alleged perpetrators of anti-social behaviour which the Association requires to investigate and record antisocial behaviour incidents. We will only hold such information as necessary to allow us to tackle anti-social behaviour and take any legal action required and we will only hold such information as long as we deem it necessary in terms of future management of our tenancies.*

- **The Housing (Scotland) Act 2001** – legal framework detailing the responsibility on Registered Social Landlords to tackle anti-social behaviour. We have clearly defined our tenants responsibilities within our Scottish Secure Tenancy Agreements, particularly, section 2 “Use of the House and Common Parts” and 3, “Respect for Others”
- **Criminal Justice (Scotland) Act 2003** – This act extended applications for Anti Social Behaviour Orders to include Registered Social Landlords.
- **Antisocial Behaviour etc. (Scotland) Act 2004** - provides that a person engages in Anti-Social Behaviour 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 as them.”*

A ‘course of conduct’ is defined in the Act as being on two or more occasions.

This legislation provides a legal framework for tackling anti-social behaviour and promotes a responsibility on local communities and local agencies to work in partnership to prevent, stop and challenge anti-social behaviour. We will use or work with our partners to take advantage of a range of tools in the Act to tackle anti-social behaviour, which include, Anti-Social Behaviour Orders, orders for the dispersal of groups and closure of premises, fixed penalties for noise nuisance and low level offences, parenting orders and Anti-Social Behaviour Contracts.

- 4.2 **The Scottish Social Housing Charter 2017** - The Charter requires social landlords, working in partnership with other agencies, to ensure that tenants and other customers live in well maintained neighbourhoods, where they feel safe. The Anti-social Behaviour Policy complies with the following regulatory requirement contained in the 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 reasonably possible that:*

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

- 4.3 The Anti-social Behaviour Policy supports the strategic objectives of the Association's Business Plan and is supported by the Association's Tenant Participation Strategy, Estate Management processes, Equalities Policy and Risk Management Policy.

## **5. Definition of Anti-Social Behaviour**

- 5.1 In practice anti-social behaviour can mean different things to different people. It can cover a wide range of behaviours from litter to serious harassment, dog fouling to criminal damage to property. Behaviour regarded as acceptable by some can be seen as anti-social and unacceptable to others.

The Association aims to deal with anti-social behaviour and its causes irrespective of tenure type where it impacts on our customers. This means we will investigate reports of anti-social behaviour with our own tenants or other local residents as required and anyone else that can be identified as causing antisocial behaviour.

Where we have no realistic scope to resolve non-tenant behaviours we will pass all available information to the appropriate authorities including Police Scotland and continue to support them in finding a joint solution to such behaviours.

- 5.2 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.

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

- Section 19(1) of the Crime and Disorder Act 1998 defines anti-social conduct as:
  - *“that which causes or is likely to cause alarm or distress to one or more persons not of the same household.”*
- The Association's Scottish Secure Tenancy Agreement 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: Acts in a manner that causes or is likely to cause alarm or distress; or 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.”*

5.4 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
- Nuisance from vehicles, including parking and abandonment
- Dumping rubbish and litter
- Failure to control animals and pets
- Use or sale of drugs or other substances.

5.5 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.

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

## **6. Policy Aims and Objectives**

6.1 The purpose of this policy is to:

- Make clear the Association’s position with regards to Anti-Social Behaviour within our neighbourhoods and what actions we commit to in order to reduce such behaviours and make our neighbourhoods safer places to enjoy
- Make our local residents aware of the resources we commit to use when managing Anti-Social Behaviour
- Provide our communities with reassurance that this area of our business is very important to us
- Provide as much useful information as possible to help local people know what they can expect from Cordale Housing Association and other agencies in terms of Anti-Social Behaviour and what they can do to help tackle such issues.

- Assure our tenants that every effort to ensure that our tenants comply with their tenancy or residency conditions and can enjoy living in their homes and communities free from the effects of anti-social behaviour.

## **7. Our Commitment to Managing Anti-Social Behaviour**

The following framework will guide the Association's response to reports of anti-social behaviour.

### **7.1 Taking Reports 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 reports to be made in writing; however, staff may arrange to have a written statement to ensure that our record of anti-social behaviour details 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. We acknowledge that anonymous complaints are sometimes an indication of fear of reprisal or intimidation and will investigate sensitively to ensure there is no malice in the anonymous reports.

### **7.2 Responding to Reports of Anti-Social Behaviour:**

- The Association will respond promptly to reports 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 (on working days).
- We will carry out investigations in accordance with the timescales listed below, which may include escalating a case if it becomes more serious:

All reports are categorised as follows:-

- A. Extreme**
- B. Serious**
- C. Nuisance / Dispute.**

Examples of each category are:-

*(The list is not intended to be exhaustive)*

<b>Category A: Extreme</b>	<b>Category B: Serious</b>	<b>Category C: Other Complaints / disputes</b>
Drug dealing Unprovoked assault Hate crime/other harassment Violent conduct towards neighbours/RSL staff	Frequent disturbances Vandalism/damage to property Threatening behaviour	Infrequent disturbance Noise complaints Running a business Verbal harassment Unauthorised alterations Behaviour of visitors/children Basic breaches (i.e.) pet nuisance, stair cleaning Boundary disputes Family disputes affecting neighbours

**Category A - Extreme - investigation commenced within 24 Hours**

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 likely). Target for completion of investigation and determination on course of action is 24 hours.

**Category B – Serious – investigation commenced within 3 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 5 working days

**Category 3 – Other Complaints/Disputes – investigation commenced within 5 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 15 working days.

The following table details the timescales for responding to complaints falling into each of the three categories listed above. These timescales we will aim to achieve where there are no complicated factors involved:

<b>Action</b>	<b>Category A</b>	<b>Category B</b>	<b>Category C</b>
<b>Contact Complainer</b>	24 hours	3 working days	5 working days
<b>Contact Neighbours / Witnesses</b>	24 hours	3 working days	5 working days
<b>Interview Alleged Offender</b>	24 hours	5 working days	10 working days
<b>Liaise with Other Agencies</b>	24 hours	5 working days	10 working days
<b>Case Evaluation / Action</b>	24 hours	5 working days	15 working days

### 7.3 **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.

### 7.3 **Support to Victims**

- Support, including regular feedback/updates on actions 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. The Association will always aim to signpost tenants to suitable support agencies.

#### 7.4 **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. The Association in some circumstances may be unable to pursue certain course of actions where by doing so the complainer will be identified, or will be required to be identified, if that complainer does not wish to be identified.

#### 7.5 **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 other agencies may be sought to assist in addressing problems collectively and to support initiatives being pursued by the Association.

#### 7.6 **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, Social Services, Police Scotland, Environmental Services, and any other Local Authority services.
- 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 following:
  - Notice of Proceedings on Anti-social behaviour grounds
  - Interdict / interim interdict
  - Specific implement – a court order requiring a party to perform a specific act.
  - Seizure of equipment causing noise
  - Anti-Social Behaviour Orders (ASBO)
  - Parenting Orders
  - Short Scottish Secure Tenancy
  - 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.

#### 7.7 **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 in their communities.
- 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.

## **8. Working with Other Agencies**

- 8.1 The legislative framework means that many other agencies have a role to play in dealing with anti-social behaviour. This includes agencies such as Police Scotland, 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.
- 8.2 The specific statutory duty placed on Police Scotland 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.
- 8.3 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.

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

- 9.1 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.
- 9.2 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.
- 9.3 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.

## **10. Preventative Measures**

- 10.1 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.
- 10.2 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.

## **11. Equalities Implications**

- 11.1 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.
- 11.2 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.

## **12. Sustainability Implications**

- 12.1 The approach outlined in this policy, is complimented by our policies and processes on Void Property Management, Estate Management and Allocations. This policy is designed to ensure 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.
- 12.2 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.

## **13. Risk Management**

- 13.1 The risks associated with the non-implementation of this policy include:
- Potential financial risk to the Association in terms of the associated costs of vandalism and graffiti, legal actions and court costs, compensation claims for neglect of duty;
  - Deteriorating environment with consequences of difficult to let properties
  - Failure to comply with legislation and Scottish Government guidance;
  - Failure to work in partnership with other agencies to deliver a holistic service which positively impacts on communities and individuals;
  - 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.

## **14. Consultation**

- 14.1 The Association has 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.
- 14.2 The policy was promoted in the Associations newsletter and feedback from tenants sought in relation to the policy and the policy targets/timescales for resolution of the anti-social behaviour categories.

- 14.3 Staff were consulted on the policy content and provided with opportunity to provide feedback on good practice and experience in order to ensure the policy meets operational requirements.

## **15. Complaints Procedure**

- 15.1 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.

## **16. Performance Monitoring**

- 16.1 The Association will monitor performance on anti-social behaviour and report annually using statutory indicators as follows:

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

- Percentage of tenants satisfied with the management of the neighbourhood they live in,
  - Percentage of anti-social behaviour cases reported in the last year which were resolved within locally agreed targets,
  - 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.
- 16.2 Where appropriate the statutory performance indicators will be reported quarterly to the Management Committee.

## **17 Delegated Responsibility**

- 17.1 Staff will be authorised to pursue any appropriate action to resolve cases of anti-social behaviour. The Area Housing Manager will be given delegated responsibility to pursue the eviction of any tenant or householder for acts of anti-social behaviour as set out in this policy.

## **18. Policy Review**

- 18.1 The Association will carry out a review of the Anti-social behaviour Policy in 2020. Amendments may be made as required following consultation with service users and other agencies or if there are any changes in legislation which should be considered.