



"Offering our community more than a home"

Antisocial Behaviour Policy

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CHA Objectives:

- To provide quality, affordable housing that meets the changing needs of our customers and to ensure fair access to housing within our area.
- To manage the houses provided, in a professional and cost effective manner, for the benefit of our local community and the environment.
- To provide a first class maintenance service which offers value for money and ensures the comfort and safety of our residents while achieving high levels of satisfaction

Regulatory Standards:

- The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.
- The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these objectives.
- The RSL manages its resources to ensure its financial well-being and economic effectiveness.
- The governing body bases its decision on good quality information and advice and identifies and mitigates risks to the organisation's purpose.

This policy can be made available on request in a variety of different formats, such as on tape, in large print and translated into other languages

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1. Aims and Objectives

- 1.1 It is the aim of this policy to outline Clydebank Housing Association's approach in dealing with neighbour complaints and other complaints involving antisocial behaviour (ASB) within its housing stock.
- 1.2 The specific objectives are: -
- To deliver an effective and efficient ASB complaints response service to all tenants and residents within Clydebank Housing Association's housing stock.
 - To ensure consistency of service and approach to all tenants and residents of Clydebank Housing Association.
 - To ensure the effective and appropriate sharing of information between Clydebank Housing Association and its partners, Police Scotland and all other relevant agencies.
 - To ensure a prompt response to complaints from residents and others of ASB and to make use of all appropriate measures for the early resolution of complaints.
 - To take positive and decisive action in responding to and investigating complaints of ASB.
 - To provide information, advice and assistance to all tenants and residents in relation to ASB.
 - To provide training and support to staff dealing with ASB.
 - To keep abreast of good practice and to incorporate this in services, policies, and procedures.
- 1.3 This protocol takes account and aims to meet the Scottish Housing Regulator's Scottish Social Housing Charter, specifically standard 6:

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.*

This **outcome** covers a range of actions that social landlords can take on their own and in partnership with others. It covers action to enforce tenancy conditions on estate management and neighbour nuisance, to resolve neighbour disputes, and to arrange or provide tenancy support where this is needed. It also covers the role of landlords in working with others to tackle anti-social behaviour.

Compliance with the above be evidenced through quarterly reports to Committee, our audit programmes and our Annual Return on the Charter (ARC return).

2. Legislation

- 2.1 While the Antisocial Behaviour etc. (Scotland) Act, 2004 (ASB Act) is the primary legislation governing the way in which local authorities, RSLs and the police deal with antisocial behaviour, there are several other Acts which are also relevant.
- 2.2 The most relevant pieces of legislation are listed below, however this list is not exhaustive, and partners to this policy should make reference to any legislation as necessary.
- Antisocial Behaviour, etc. (Scotland) Act, 2004
 - Crime and Disorder Act, 1998
 - Housing (Scotland) Act, 2001, 2014
 - Data Protection Act, 2018
 - Equalities Act 2010
 - Short Scottish Secure Tenancies For Antisocial Behaviour and Other Miscellaneous Changes To Short Scottish Secure Tenancies - Statutory Guidance For Social Landlords
- 2.3 As mentioned above, the ASB Act confers various powers and requirements on local authorities, RSLs and the police in tackling antisocial behaviour.
- 2.4 Foremost among these provisions is the requirement for the local authorities and RSLs to tackle ASB within their boundaries.

3. Equal Opportunities

This policy complies with the 2010 Equality Act and Clydebank Housing Association's Equality policy.

An equalities impact assessment has been carried out and is included at the end of this policy.

4. Risk Management

- 4.1 Non implementation of this policy may result in financial risk in terms of the costs associated with vandalism and graffiti, and potential costs relating to legal actions and court costs.
- 4.2 The risks associated with not implementing this policy are: -
- Failure to comply with legislation and Scottish Government guidance
 - Failure by Clydebank Housing Association to meet one of its key business objectives
 - Failure to work in partnership with other agencies to deliver a holistic service which positively impacts on communities and individuals
 - Potential financial damage where vandalism or damage to property results
 - Potential damage to CHA reputation if not seen to deal with ASB effectively
 - Potential damage to desirability of housing stock
 - Potential degeneration of communities

5. **Antisocial Behaviour definition**

5.1 Antisocial behaviour is defined under the ASB Act as:
Where a person:

- 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 in the same household.

'Conduct' includes speech, and a **'Course of conduct'** must be conducted on at least two occasions.

5.2 It is clear from this definition that ASB encompasses a wide range of behaviour. To this end, Clydebank Housing Association will split ASB complaints received into the following categories:

- Noise
- Dog fouling
- Abandoned cars
- Threatening behaviour
- Dog in multistorey flat
- Common area or close cleaning
- Litter or rubbish dumping
- Vandalism
- Harassment
- Drug dealing
- Frequent disturbances
- General disturbances

5.3 Acting in an antisocial manner within or around the vicinity of a tenancy is in breach of a Scottish Secure Tenancy agreement. This applies whether it is the tenant, a member of the tenant's family or even a friend relative or visitor.

5.4 On receipt of a complaint, Clydebank Housing Association will always operate from a position of belief, however it will be made clear to anyone reporting ASB that there is a burden of proof, and that we must be able to prove beyond any reasonable doubt that the incident has taken place, and that it is linked to a tenant, their relatives, friends, visitors or similar.

5.5 Where it is clear that a reported incident is not antisocial in nature, is not the remit of the housing association, and/or where CHA will not be able to prove the complaint being made, then advice and assistance, including appropriate signposting to relevant agencies will take place. In these cases the customer will be clearly advised that CHA have no powers to progress the action and that no action against anyone can be taken. CHA only has jurisdiction where a condition of the tenancy agreement has been broken and cannot become involved directly or take action in instances where this does not apply.

5.6 As well as the categories in 5.2, by way of a guide of severity, behaviour will be split into three main types:

- Category A - Extreme - Any complaints that relate to extreme forms of anti-social behaviour and include certain types of serious criminal behaviour such as proven and convicted drug dealing. Although behaviour which is criminal in nature is entirely within the remit of the police, certain action may also be taken by the landlord. Examples include but are not limited to:
 - Drug dealing
 - Unprovoked assault
 - Hate crime/other harassment
 - Violent conduct towards neighbours, partner agency or CHA staff

- Category B - Serious and persistent anti-social behaviour – Behaviour which is persistent or more serious and may typically result in ASBO, interdict and eviction proceedings. Examples include but are not limited to:
 - Frequent disturbances
 - Vandalism/damage to property
 - Threatening behaviour

- Category C - Nuisance behaviour – Behaviour which is less serious and can be more of a nuisance than antisocial and may include low level neighbour disputes which may be dealt with by mediation or the landlord. Examples include but are not limited to:
 - Infrequent disturbance
 - Noise complaints
 - Running a business
 - Verbal harassment
 - Unauthorised alterations
 - Behaviour of visitors/children
 - Basic breaches (i.e.) pet nuisance, stair cleaning
 - Maintenance of garden/common grounds etc.
 - Boundary disputes
 - Family disputes affecting neighbours

6. Complaint Response Timescales

The following table details the timescales for responding to complaints falling into each of the three categories listed in the previous section. We will strive to meet these in all cases.

<u>Action</u>	<u>Category A</u>	<u>Category B</u>	<u>Category C</u>
Contact complainer	Within 1 working day	Within 1 working day	Within 1 working day
Contact neighbours, witnesses and any other agencies involved	Within 1 working day	Within 3 working days	Within 5 working days
Interview alleged offender	Within 1 working day (subject to access, e.g. if detained by Police or similar)	Within 5 working days	Within 5 working days
Case evaluation/action – outcome letter	Within 5 working days (subject to all evidence being available)	Within 5 working days (subject to all evidence being available)	Within 10 working days (subject to all evidence being available)
Case outcome monitoring	For up to 28 days following initial report	For up to 28 days following initial report	For up to 28 days following initial report
Case Closure	28 days following the initial report	28 days following the initial report	28 days following the initial report

Complaint investigation protocol Aims

- All investigation timescales, actions and progress will be recorded on the association's housing management systems. These systems will form the basis for ongoing monitoring and reporting by staff.
- An acknowledgement letter will be sent to all customers making an ASB complaint within 24 hours of receipt.
- Where a report is received from the Police or another agency (not a tenant or customer), this will be logged as a breach of tenancy and not a complaint on the Housing Management system and investigated accordingly.

- Reporters of ASB will be encouraged in all cases to obtain independent third party evidence, e.g. Police report, environmental health report, social work report or similar.
- Contact by staff will be normally be made by telephone in the first instance, with minor ASB cases dealt with during the initial call where possible. Where appropriate, for more serious cases or due to disabilities or other circumstances, a house visit will be carried out.
- In order to satisfy burden of proof, supporting evidence will not be accepted from family members, close friends, relatives or any other parties where a clear allegiance to the complainer or accused is evident.
- All complainers will receive regular updates on their complaint until concluded, at least on a weekly basis.
- Interviews with the alleged offender will also normally be conducted by telephone in the first instance. Where appropriate, for more serious cases or due to disabilities or other circumstances, a house visit will be carried out.
- Where the complaint is substantiated a warning for breach of tenancy will be issued unless there are mitigating circumstances, e.g. domestic abuse, medical issue or similar. In these cases third party supporting evidence is required.
- Where the alleged offender is not able to be contacted or refuses to co-operate, appropriate action will be taken based on the evidence available.
- All complainants will receive an outcome letter detailing the action possible/not possible/taken.
- All warnings issued will outline the reasons for warning and evidence found.
- Warnings for breach of tenancy will stand for 1 year, except in extreme and serious cases where they may be referred to for up to 3 years.
- Where a partner agency may have an interest or be directly affected/have a role to play, we will involve them in the interests of keeping our areas or residents safe, preventing crime or similar.
- Taking all factors into account, alternative methods to warnings and legal action will be used where it is clear that these will have a chance of success and that they will not be to the detriment of surrounding neighbours. These are further outlined in the next section of this policy.
- A zero tolerance approach will be taken in cases where convicted drug dealing, violence, serious substance abuse, or similar are confirmed. In these cases a conjoined or separate legal action for repossession of the tenancy will be made.

7. Alternative Management / Legislative Tools

- 7.1 Various tools are available in order to allow informed decisions in dealing with cases of anti-social behaviour.
- 7.2 The following list, which includes both legislative and non-legislative actions, details the main measures available:
- Intervention / diversion through involvement of other agencies
 - Mediation with all parties
 - Acceptable Behaviour Agreement (ABA)
 - Interdict / Interim interdict
 - Anti Social Behaviour Order (ASBO)
 - Short Scottish Secure Tenancy (SSST)
 - Repossession
 - Unacceptable Behaviour Notices (UBN)
- 7.3 In order for intervention / diversion, mediation and ABAs to be successful, an agreement and a degree of commitment are required by the person(s) involved.
- 7.4 The remaining measures are legislative and require legal actions to be raised in the Sheriff Court.
- 7.5 To complement the existing measures available to landlords to address antisocial behaviour in, or in the locality of a social housing tenancy, a number of new provisions were introduced in the Housing (Scotland) Act 2014 (“the 2014 Act”). These measures include:
- a new Short Scottish Secure Tenancy (SSST) for antisocial behaviour
 - a power for landlords to extend the term of some SSST tenancies by 6 months, including those related to previous antisocial behaviour, where housing support services are being provided
 - a new streamlined eviction process where there has been a recent criminal conviction punishable by imprisonment for tenancy related antisocial or criminal behaviour within the previous 12 months

8. Performance Reporting

- 8.1 In order to monitor the policy outcomes, the following information will be reported on a quarterly basis to the Housing Services Sub-Committee:
- The number of ASB cases resolved in each category, A,B or C
 - The number resolved within the prescribed targets
 - The year to date position
- 8.2 The Charter defines ‘resolved’ as: -
- Where the landlord has taken appropriate measures, as set out in its ASB policies and procedures, to address the cause of the anti-social behaviour complaint, or
 - Where the landlord does not have authority or powers to resolve it has fully provided a full explanation of the landlord’s position.
- 8.3 Clear information on performance will be made available through the association’s website and quarterly and annual performance reports.

9. Complaints

- 9.1 Residents who feel aggrieved at the service provided may lodge a complaint under the association’s complaints procedure.
- 9.2 Where a resident remains aggrieved having followed such complaints procedure, they make a complaint to the Scottish Public Services Ombudsman.
- 9.3 The Scottish Public Services Ombudsman can be contacted at –

Scottish Public Services Ombudsman
4 Melville Street
Edinburgh
EH3 7NS
Telephone: 0800 377 7330
Text: 0790 049 4372
Email: ask@spsso.gov.uk

For Office Use Only – Actions

Customer Consultation Required/Arranged	No
Intranet Update	Yes
F Drive Update	Yes
Website Update	Yes
Leaflet change required?	No
Newsletter Promotion?	No
Other information updated, e.g. posters, automatic email responses, post cards, answering machine messages, etc.	No
Equality Impact Assessment completed	Yes

Clydebank Housing Association Equality Impact Assessment Tool



Name of the policy / proposal to be assessed	Antisocial Behaviour	Is this a new policy / proposal or a revision?	Revised policy
Person(s) responsible for the assessment	Joe Farrell (Head of Housing Services)		
1. Briefly describe the aims, objectives and purpose of the policy / proposal	It is the aim of this policy to outline Clydebank Housing Association's approach in dealing with neighbour complaints and other complaints involving antisocial behaviour (ASB) within its housing stock.		
2. Who is intended to benefit from the policy / proposal? (e.g. applicants, tenants, staff, contractors)	Tenants, owners, partner agencies and staff		
3. What outcomes are wanted from this policy / proposal ? (e.g. the benefits to customers)	To provide tenants with direct or indirect assistance in dealing with ASB and help sustaining their tenancy and guide staff in the process of doing do. To enable an action route and deterrent in order to reduce serious ASB. To enable staff to enforce the SST tenancy agreement		

<p>4. Which protected characteristics could be affected by the proposal? (tick all that apply)</p> <p> <input type="checkbox"/> Minority Ethnic <input type="checkbox"/> Gender <input type="checkbox"/> Disability <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Age <input type="checkbox"/> Religion <input type="checkbox"/> Transgender /Transsexual <input type="checkbox"/> Marriage /Civil Partnership <input type="checkbox"/> Pregnancy /Maternity </p>		
<p>5. If the policy / proposal is not relevant to any of the protected characteristics listed in part 4, state why and end the process here.</p>		
<p>6. Describe the likely positive or negative impact(s) the policy / proposal could have on the groups identified in part 4</p>	<p>Positive impact(s)</p>	<p>Negative impact(s)</p>
	<p>The policy will enable all groups to confidently report ASB and confirm the actions which CHA will take.</p>	<p>The policy will impact all groups where tenants are not adhering to their tenancy agreement as action up to and including eviction may be taken.</p>
<p>7. What actions are required to address the impacts arising from this assessment? (This might include; collecting additional data, putting monitoring in place, specific actions to mitigate negative impacts).</p>	<p>Monitoring of ASB reports and outcomes, these are monitored through our HM system and are reported quarterly to MC and annually to the SHR.</p>	

Signed: **Joe Farrell** 

(Job title): **Head of Housing Services**

Date the Equality Impact Assessment was completed: **24 August 2023**