



## Anti Social Behaviour Policy

If you require this policy in a different format please ask a member of staff

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# Anti-Social Behaviour Policy

## 1.0 Introduction

Elderpark Housing Association regards the occurrence of anti-social behaviour extremely seriously. As a result, the Association has introduced obligations within the Tenancy Agreement to ensure tenants, household members and visitors do not *'harass or act in an antisocial manner to, or pursue a course of antisocial conduct against, any person in the neighbourhood'*.

This policy has been established to outline how the Association will tackle any form of anti-social behaviour. It will aim to meet the statutory requirements of the Scottish Social Housing Charter outcome six entitled *"Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes"*. It states that *"Social landlords, working in partnership with other agencies, help to ensure that tenants and other customers live in well maintained neighbourhoods, where they feel safe"*.

This policy explains how we address anti-social behaviour. Staff procedures have been developed separately that detail how the policy is implemented. These are detailed in Appendix 3.

## 2.0 Defining Anti-Social Behaviour

### 2.1 What is Anti-Social Behaviour?

Anti-social behaviour is a term used to cover different types of behaviour. However, The Crime and Disorder Act 1998 and The Anti-Social Behaviour etc. (Scotland) Act 2004 considers a person to have engaged in anti-social behaviour if they act in a manner or pursue a course of conduct that causes or is likely to cause alarm or distress. This must be to at least one person who is not a member of their household. 'Conduct' includes speech and to be a 'course of conduct' requires it to have happened on at least 2 occasions. This definition mirrors that in the Association's SST under Section 3.2.

Anti-social behaviour can be committed by;

- the tenants or any other joint tenant
- any person living with the tenant e.g. family members or friends
- lodgers or sub-tenants
- visitors to your home

Anti-social behaviour can affect;

- people living in or visiting the locality e.g. neighbours, relatives or friends
- people engaged in lawful activity in the locality e.g. housing staff or contractors carrying out their duties

The term 'locality' includes the overall neighbourhood which can extend beyond the house and adjacent properties to the local housing area.

Anti-social behaviour covers a wide range of issues such as noise, dog fouling, rubbish dumping / litter, drug dealing, graffiti, nuisance or threatening behaviour, fighting, shouting and swearing, harassment etc.

## **2.2 Causes of Anti-Social Behaviour**

Examples of some of the main causes of anti-social behaviour are;

- concentrations of household living in poverty
- people living together in tenemental properties whose lifestyles are incompatible
- Old insulation standards which are no longer adequate for modern living requirements, such as the use of hi-fi's, washing machines and so forth.
- sustainability issues with people who lack or have turned down support considered necessary to assist them to sustain their tenancy
- lack of awareness of cultural differences amongst households

## **3.0 Policy Statement / Key Principles**

3.1 The policy complies with the law and good practice in minimising and dealing with anti-social behaviour. Therefore, no action will be raised to recover possession of a property unless it is reasonable to do so. Appendix 1 details the legal and good practice framework

3.2 The Association implements management and legal remedies for dealing with anti-social behaviour. Eviction action will be used only as a last resort. Section 5.2 summarises these actions.

3.3 The Association ensures that our policies minimise anti-social behaviour by, for example, ensuring the way in which we allocate properties assists in establishing sustainable communities.

3.4 The Anti-Social Behaviour Policy has been devised based on a strategy of prevention. Staff will tackle complaints promptly and within set timescales.

3.5 This policy is publicised through the Associations newsletters, website, tenants' handbook and information leaflets.

3.6 Wherever possible the Association works jointly with other agencies to tackle anti-social behaviour e.g. Police, Social Work, etc. Section 5.2.6 outlines these arrangements.

3.7 The Association ensures that in dealing with anti-social behaviour, duties are delegated to staff effectively and that staff will receive comprehensive, regular training.

3.8 The investigation and management of all anti-social complaints will take account of staff and complainant health and safety as a primary objective.

3.9 The Association has implemented performance management systems to monitor the effectiveness and efficiency of current practice. Appendix 2 details the specific performance indicators.

3.10 This policy will be reviewed formally every 3 years. Any necessary amendments will be made following full consultation with tenants and other service users.

3.11 The procedure for handling complaints will vary depending on the category of complaint, A/B, C or record only. These will be mapped out on the IBS computer package Contact Management. The flow chart for Complaints A/B, C and record only are detailed in Appendix 3.

## **4.0 Categories of Complaint**

Response to complaints will vary depending on the nature and seriousness of the particular issues involved. Tenants should be encouraged to resolve minor complaints themselves whereas complaints of a more serious nature will require a response from the housing manager/officer and some cases, liaison with other agencies such as Environmental Health, Police and Social Work. It is very difficult to categorise complaints however, for monitoring and reporting purposes, they broadly fall into the following categories;

### **4.1 Category A – Very Serious Complaint**

Complaints which concern allegations of drug dealing, criminal behaviour involving threats of violence towards any member of the public, including members of staff, housebreaking, assault, criminal threats, serious harassment, racial harassment, and serious damage to property, including fire raising.

### **4.2 Category B – Serious Complaints**

Complaints which concern allegations of aggressive / abusive behaviour, frequent disturbances, vandalism, drug / solvent / alcohol abuse, verbal written harassment and frequent and persistent noise.

### **4.3 Category C – Nuisance Complaints**

Litter dumping, excessive noise, control of pets, boundary disputes, untidy gardens, children causing a disturbance, noisy party.

**4.3.1** Persistent Category C cases will be re-classified as Category B cases and as investigated in accordance with the procedures for Category B.

### **4.4 Record Only – All types of Complaints.**

This category is used where a complaint is made but the complainant does not want the complaint pursued. It is recorded for monitoring purposes.

## **5.0 Remedies for Tackling Anti-Social Behaviour**

The Association recognises that in order to tackle Anti-social behaviour they must tackle the offending behaviour. The main way to resolve complaints of anti-social

behaviour is through effective management. This involves working jointly with other agencies that also have a responsibility for this matter. These include local authority departments such as Glasgow Community Safety Services, other RSLs, education, environmental health, planning and social work etc. We will also work with the police, mediation and arbitration services and equality groups etc. Legal action will be considered only where management actions (non-legal remedies) have been ineffective or considered inappropriate.

In order to tackle anti-social behaviour effectively, the Association has introduced a comprehensive approach using both non-legal and legal remedies. This section details the remedies we might use.

## **5.1 Management Actions (Non-Legal)**

### **5.1.1 Contact / Advice**

Making contact and providing advice to tenants can be effective in resolving some minor disputes / nuisance complaints. For example, a one off incident such as a party could be resolved by visiting those involved. In cases like this staff may offer advice or issue a breach of tenancy letter.

### **5.1.2 Breach of Tenancy Letter / (Warning Letter)**

This can be issued following an interview with the perpetrator regarding their behaviour. The letter will detail how the tenancy has been breached and the consequences if the breach occurs again.

### **5.1.3 Mediation**

Mediation is a remedy which can be considered where there is recurring anti-social behaviour and the relationship between the parties involved has broken down, or where the Housing Manager decides the Association's role has been exhausted.

Mediation can be provided by;

- Glasgow City Council's independent mediation service.

### **5.1.4 Acceptable Behaviour Contracts**

An Acceptable Behaviour Contract (ABC) is a written agreement between the perpetrator (child or adult), the Association and Strathclyde Police. The contract specifies a list of anti-social acts in which the person has been involved and which they agree not to continue. The contract usually lasts for 6 months but can be renewed if necessary. Although the ABC is not legally binding, it can be used at court to support eviction action or an application for an Anti-Social Behaviour Order (ASBO).

If an individual fails to sign an ABC, an Unacceptable Behaviour Notice (UBN) can be issued. The UBN makes a person aware of their behaviour and the consequences if their behaviour continues. Again, it is not legally binding but can be used to support legal remedies.

## **5.2 Legal Remedies**

In cases of serious or extreme anti-social behaviour, it may be necessary to pursue legal action including the following;

### **5.2.1 Fixed Penalty Notices**

Glasgow Community Safety Services Noise Officers can issue a Warning Notice to your neighbour requiring them to reduce the noise or face a £100 fixed penalty notice if the noise is actionable under their powers. Community Enforcement Officers can also issue a fixed penalty notice in relation to dog fouling offences.

### **5.2.2 Notice of Proceedings (NOP)**

The Association may raise proceedings by serving an NOP on the tenant for recovery of possession of a house where there is a breach of the tenancy conditions. When dealing with a complaint of anti-social behaviour where the subject of the complaint is a tenant of the Association an NOP is the first stage of legal action that can be considered to address a breach of tenancy conditions.

### **5.2.3 Interdict**

This is a court order to prevent someone from doing something, for example, dumping rubbish in common areas, playing loud music, swearing, shouting, damage to property etc. The interdict / interim interdict can be a quick method of intervention.

### **5.2.4 Specific Implement**

This is a court order requiring someone to do something which is their responsibility e.g. maintain their garden as specified in the tenancy agreement.

### **5.2.5 Anti-Social Behaviour Order (ASBO)**

This is a court order preventing someone (aged 12 or over) from pursuing a certain course of conduct that is causing alarm or distress to the community, or behaviour that is likely to escalate to criminal level if not stopped. Applying for an ASBO is a civil action and is not a substitute for criminal proceedings; therefore, the Association can apply for an ASBO and attempt to recover possession at the same time. ASBO applications should be done in consultation with the Police.

The Association can apply for an Interim ASBO / ASBO for anyone over the age of 12. They do not need to be a tenants, resident or owner etc. However, we would have to demonstrate to the Sheriff that it would be 'reasonable' to grant the order bearing in mind the behaviour of the person concerned. Examples of when an ASBO may be necessary include;

- racial harassment or homophobic behavior
- persistent anti-social behaviour as a result of noise nuisance/ drug / alcohol misuse
- intimidation by threats and / or violence

The Scottish Executive publication '*Guidance on Antisocial Behaviour Orders – Antisocial Behaviour etc. (Scotland) Act 2004*' provides comprehensive information on ASBO's and the procedure for applications.

### **5.2.6 Short Scottish Secure Tenancy Agreement**

If a full ASBO is granted against a tenant, or anyone living with them, the Association can serve a Notice on the tenant converting their tenancy to a Short Scottish Secure Tenancy (SSST). However, consideration will be given to the following;

- the nature frequency and duration of the anti-social behavior
- the effect that the anti-social behaviour is having or is likely to have on the person
- action taken by the Association before raising ASBO proceedings
- support requirements of the household any other relevant factors

Where the tenancy has been converted to a SSST, the Association has a duty to provide or ensure the provision of housing support services to enable the tenancy to convert to a SST. A SSST will convert to a SST after 12 months unless the Association takes action to recover the tenancy.

The usage of Short Scottish Secure Tenancy is detailed in a separate policy document.

### **5.2.7 Repossession**

Whenever anti-social behaviour is extremely serious, the Association may consider seeking a court order for eviction and repossession of the property. This action will only be taken when all other appropriate remedies have failed to resolve the problem and it is deemed reasonable to seek eviction. This will always be a last resort. There are situations when an eviction decree should be our first option, for example, drug dealing, using the property to cultivate drugs or serious incidents of violence and intimidation.

### **Other Agencies**

Other agencies have an important role to play in the implementation of this policy by using the powers available to them. For example, most neighbour nuisance constitutes an offence and the police should therefore be involved and, in some instances, take a lead role.

Legal remedies available to housing organisations are not always the most effective means of tackling anti-social behaviour. As a result, we will endeavour to establish close links as follows;

- working with police to use their legal powers to remove noise making equipment.
- liaising with police to use their powers to arrest people breaching legal orders
- working in partnership, where possible, with environmental health to tackle problems relating to rubbish, stair cleaning and dog fouling etc.
- Working in partnership with Glasgow Community Safety Services and Aberlour to tackle dog fouling and youth disorder.

The Association has signed the Joint Protocol with Strathclyde Police, Glasgow City Council and RSL's. The Protocol provides guidance and a framework for lawful and productive sharing of information between the agencies. This includes information on warning letters, acceptable behaviour contracts, unacceptable behaviour notices,



ASBOs and eviction action. The Association is fully committed to the aims of this protocol and will actively liaise with those involved.

## **6.0 Performance Management**

Performance management is extremely important in order to assess whether the policy objectives and statutory obligations are being met. In line with the introduction of the Scottish Social Housing Charter the Association aims to involve tenants in the decision making process with regards to anti-social behaviour policies and procedures through planned service reviews. The process and methodology of service reviews are detailed in the Association's Tenant Participation Policy. The purpose of the service review is to allow tenants to scrutinise the service and play an active role in making recommendations for changes in service delivery.

The Association will seek feedback via the following methods:

- Monitoring and reporting on cases which are ongoing and not closed
- Information (Newsletters etc)
- Close and street meetings
- Through tenant scrutiny panels
- Public meetings
- Complaints about our service
- Liaison with tenant groups and interest parties made up of local residents
- Satisfaction surveys after cases are closed off

Furthermore, it is a requirement to meet the Housing Regulator's activity standards. The specific indicators to monitor the policy are detailed in Appendix 2.

## **7.0 Review**

This policy will be reviewed every three years, the next review being due in May 2015, or sooner if legislative or best practice changes require this.

## **Appendix 1 – Legal and Good Practice Framework**

This section summarises the key legislation that can be used to tackle anti-social behaviour both by the association and in conjunction with other agencies;

Anti-Social Behaviour etc. (Scotland) Act 2004

Criminal Justice Act 2003

Housing (Scotland) Act 2001

Housing (Scotland) Act 2010

Crime and Disorder Act 1998

Protection from Harrassment Act 1997

Civic Government (Scotland) Act 1982

Dangerous Dogs Act 1991

Environmental Protection Act 1990

In addition, the following section details key good practice documents consulted during the development of this policy;

## **Appendix 2 – Performance Indicators**

1. Number of anti-social behaviour complaints received and by category i.e. A, B, C or record only broken down by area.
2. Update of cases which are outstanding by category of complaint
3. Number and types of legal actions e.g. interdict, specific implement, ASBO and eviction.
4. Household data of people against whom actions are raised including age, disability, gender and race.
5. Time taken (compared with targets set) to issue acknowledgement letters, conduct interviews, Investigate complaints and issue letters where complaints are unjustified. (Subject to I.T. update)
6. Analysis satisfaction survey responses.

The information will be reported to Committee on a quarterly basis.

## Appendix 3 – Flow Charts for Dealing with Cat A, B, C and Record Only Main Code - Anti-Social Behaviour Serious Complaints

Clashes in Lifestyle, Frequent Disturbances, Persistent Environmental Issues,  
Inappropriate Behaviour, Substance Abuse, Vandalism, Graffiti, Persistent Noise

### Stage 1 Generate Acknowledgement Letter – Target 1 Working Day

Task	General acknowledgement Let – Diary entry for estates	Trigger – document sent <i>Ack 1</i>
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### Stage 2 Action Plan – Target 2 Working Days

Task	Obtain written statement	Trigger – Document sent <i>STATFORM</i>
Task	Action Plan	Trigger – Document sent <i>INTCOM</i>

### Stage 3 Investigate Cat A – Target 10 Working Days

Task	Letter to residents	Trigger – Document sent <i>RESLETT</i>
Task	Interview alleged perp	Trigger – Document sent <i>INTPERP</i>
Task	Obtain written statement	Trigger – Document sent <i>STATEPER</i>
Task	Close case warning letter	Trigger – Document sent <i>WARNING</i> Trigger – Document sent <i>SURVYAB</i>
Task	Case closed	Trigger – Document sent <i>CLOSELETTER</i> Trigger – Document sent <i>SURVYAB</i>
Task	Progress to next stage	Trigger – Document sent <i>UPLET</i>

### Stage 4 Management Action Non Legal – Target 25 Working Days

Task	2 <sup>nd</sup> warning letter	Trigger – Document sent <i>2NDWARN</i>
Task	Acceptable Behaviour Contract	Trigger – Document sent <i>ABCADULT</i>
Task	Unacceptable Behaviour Contract	Trigger – Document sent <i>UBCET</i> Trigger – Document sent <i>UBCFOR</i>
ask	Mediation	Trigger – Document sent <i>MEDLAT</i> Trigger – Document sent <i>MEDLETCOMP</i> Trigger – Document sent <i>MEDLETPERP</i> Trigger – Document sent <i>MEDREF</i>
Task	Close case	Trigger – Document sent <i>CLOSELET</i> Trigger - Document sent <i>SURVYAB</i>
Task	Progress case to next level	Trigger – Document sent <i>UPLET</i>

### Stage 5 Legal Action – Target 180 Working Days

Task	Serve Notice	Trigger – Document sent <i>NOPLETS</i>
Task	Court Applied for	Trigger – Document sent <i>COURTAPP</i>
Task	Court Date Received	Trigger – Document sent <i>COURTD</i>
Task	Anti-social Behaviour Order	Trigger – Document sent <i>COURTASBO</i>
Task	Interdict	Trigger – Document sent <i>COURTINTER</i>

### Stage 6 Monitor Court Decision – Target 365 Working Days

Task	Monitor situation	365 days
Task	Court Applied for	180 days - Document Generate an ADHOC letter
Task	Court Date	180 days - Document Generate an ADHOC letter

**Stage 7 Eviction – Target 56 Working Days**

	Trigger – Document <i>EVIDECEST</i> Trigger – Document <i>EVIDATEEST</i>
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- Please note that all Stage, Tasks and Triggers are the same for each category
- Please note that an ABC Child Letter should be sent if child under 16 found in ADHOC

## Main Code - Anti-Social Behaviour Very Serious Complaints

### Serious Damage to Property, Drug Abuse, Harassment, Housebreaking, Racial Abuse/Harassment, Assaults & Threats

#### Stage 1      Generate Acknowledgement Letter – Target 1

##### Working Day

Task	General acknowledgement Let – Diary entry for Estates	Trigger – Document sent <i>ACK1</i>
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#### Stage 2      Action Plan – Target 2 Working Days

Task	Obtain written statement	Trigger – Document sent <i>STATFORM</i>
Task	Action Plan	Trigger – Document sent <i>INTCOM</i>

#### Stage 3      Investigate Cat A – Target 10 Working Days

Task	Letter to residents	Trigger – Document sent <i>RESLETT</i>
Task	Interview alleged Perp	Trigger – Document sent <i>INTPERP</i>
Task	Obtain Written Statement	Trigger – Document sent <i>STATEPERP</i>
Task	Close case Warning Letter	Trigger - Documents sent <i>WARNING</i> Trigger – Document sent <i>SURVYAB</i>
Task	Case Closed	Trigger – Document sent <i>CLOSELETTER</i> Trigger – Document sent <i>SURVYAB</i>
Task	Progress to next stage	Trigger – Document sent <i>UPLET</i>

#### Stage 4      Management Action Non Legal – Target 25 Working Days

Task	2 <sup>nd</sup> Warning Letter	Trigger – Document sent <i>2NDWARN</i>
Task	Accpetable Behaviour Contract	Trigger – Document sent <i>ABCADULT</i>
Task	Unacceptable Behaviour Contract	Trigger – Document sent <i>UBCET</i> Trigger – Document sent <i>UBCFOR</i>
Task	Mediation	Trigger – Document sent <i>MEDLET</i> Trigger – Document sent <i>MEDLETCOMP</i> Trigger – Document sent <i>MEDLETPERP</i> Trigger – Document sent <i>MEDREF</i>
Task	Close Case	Trigger – Document sent <i>CLOSELET</i> Trigger – Document sent <i>SURVYAB</i>
Task	Progress Case to next level	Trigger – Document sent <i>UPLET</i>

#### Stage 5      Legal Action – Target 180 Working Days

Task	Serve Notice	Trigger – Document sent <i>NOPLETS</i>
Task	Court Applied for	Trigger – Document sent <i>COURTAPP</i>
Task	Court Date Received	Trigger – Document sent <i>COURTD</i>
Task	Anti-social Behaviour Order	Trigger – Document sent <i>COURTASBO</i>
Task	Interdict	Trigger – Document sent <i>COURTINTER</i>

## Stage 6 Monitor Court Decision – Target 365 Working Days

Task	Monitor situation	365 days
Task	Court Applied for	180 days - Document Generate an ADHOC letter
Task	Court Date	180 days - Document Generate an ADHOC letter

## Stage 7 Eviction – Target 56 Working Days

Trigger – Document <i>EVIDECEST</i> Trigger – Document <i>EVIDATEEST</i>
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- Please note that all Stage, Tasks and Triggers are the same for each category
- Please note that an ABC Child Letter should be sent if child under 16 found in ADHOC

## Main Code – Nuisance Complaints External

### Bin Sweep, Bulk Uplift, External Companies, Close Cleaning, Eld Contractor Issues, Council Dept. & Gardening Contractor

#### Stage 1 Generate acknowledgement letter – Target 1 working day

Task	General Acknowledgement Let	Trigger – Diary entry for Estates Trigger – Document sent <i>ACK1</i>
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#### STAGE 2 Investigate Cat C – Target 2 Working Days

Task	Tenant Carded	Trigger – Document sent <i>CONF</i>
Task	Tenant Spoken to	Trigger – Document sent <i>CONF</i>
Task	Close Case	Trigger – Document sent <i>CLOSELET</i> Trigger – Document sent <i>SURVYC</i>



## Main Code – Nuisance Complaints Internal

Boundary disputes, Condition of gardens/Backcourt, Graffiti, Litter dumping/Fly tipping, Excessive noise/Music, General nuisance, Control of pets, Over-occupying

### STAGE 1 Investigate, CATC - Target 5 Working Days

Task	Tenant carded	Trigger – Document sent <i>CONF</i>
Task	Tenant spoken to	Trigger – Document sent <i>CONF</i>
Task	Case Closed	Trigger – Document sent <i>CLOSELETT</i> Trigger – Document sent <i>SURVYC</i>

## Main Code – Record Only

All types of complaints reported but categorised as record only as complainant does not want complaint pursued

### STAGE 1 Record Only - Target 2 Working Days

Task	Record only	Trigger – Letter sent <i>ACKREC</i> Trigger – Diary entry for estates
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