



## **Anti-Social Behaviour Policy**

If you have difficulty with reading this policy, including any difficulties with sight or hearing, or if you require this document translated into another language, please contact us and we will be happy to provide this information in a format that suits your needs.

# Our Vision, Our Values, Our Strategic Objectives

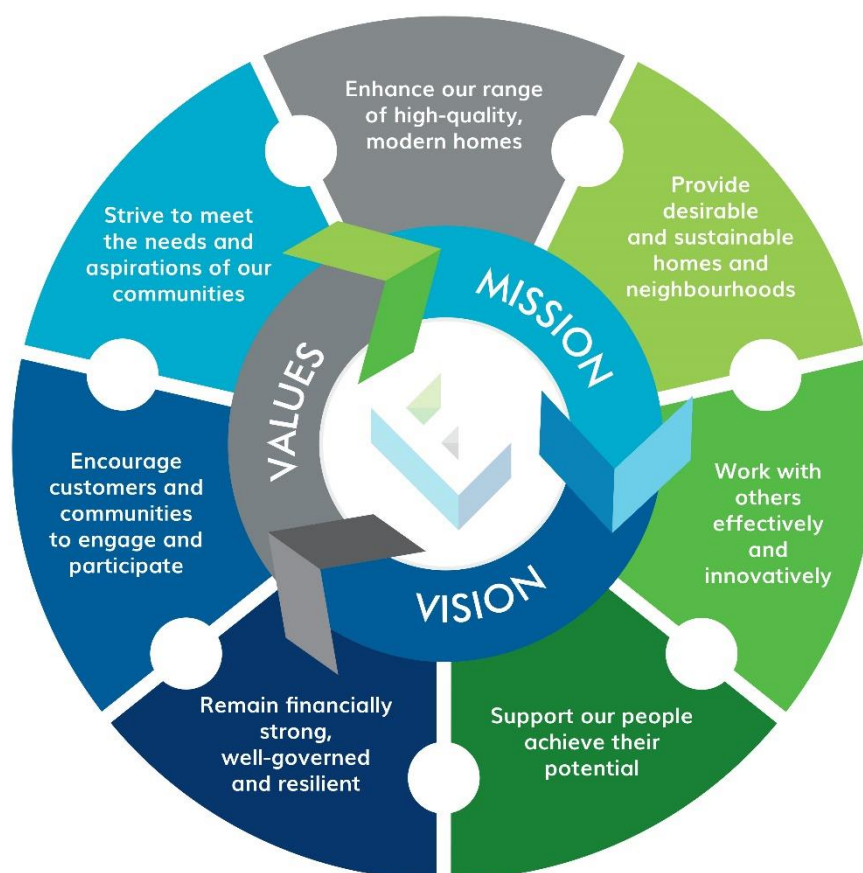
## Our Vision

A vibrant neighbourhood where everyone can prosper.

## Our Values

Caring, Reliable, Fair, Open and Adaptable

## Our Strategic Objectives



## Equality and Diversity Statement

Elderpark Housing are committed to ensuring people or communities do not face discrimination or social exclusion due to any of the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex or sexual orientation.

This document complies with our Equality and Diversity Policy.

We will regularly review this Policy and consider any equalities implications taking the necessary action to address any inequalities (either directly or indirectly) that result from the implementation of this Policy.

## Executive Summary

### Policy Author

The Housing Manager has developed this policy on behalf of the organisation. It applies to all aspects of the Association's responsibility for dealing with incidences of anti-social behaviour.

### Purpose of the Policy

The Anti-Social Behaviour policy aims to ensure that EHA has an accountable process to identify, record and put in place procedures to deal with incidences of anti-social behaviour, in accordance with legal provisions and contractual terms contained within the tenancy agreement.

This policy is written in accordance with the Association's Equality and Diversity Policy to ensure that tenants and residents in our community do not face discrimination, victimisation, harassment or social exclusion due to any of the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex or sexual orientation.

### Aims and Objectives of the Policy

This policy is a key document within the Association and its aims and objectives are to:

- To give clear guidance on the process for dealing with anti-social behaviour by utilising both legal and on-legal means that exist within the existing legal provisions and best practice guidance
- To ensure that our anti-social behaviour policy in line with other policies, such as our allocations policy helps build safe communities
- Work alongside partner agencies to tackle anti-social behaviour and promote remedies that compliments this policy
- Ensure that we comply with regulatory requirements
- To ensure that incidences of anti-social behaviour are dealt with in accordance with our equality and diversity policy
- To ensure that complainants are kept informed of how their complaint is progressing and informed of the outcome

## Legislative and Regulatory Compliance

We will seek to meet all of our legal obligations as set out in the following legislation:

- Anti-Social Behaviour etc. (Scotland) Act 2004
- The Housing (Scotland) Act 2001
- The Housing (Scotland) Act 2010
- The Housing (Scotland) Act 2014
- Criminal Justice (Scotland) Act 2003
- Equality Act 2010
- General Data Protection Regulations 2018
- Environmental Protection Act 1990

In addition, we will meet the outcomes and standards contained within the Scottish Housing Regulator's Regulation Framework.

- **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** – *'Social landlords manage their businesses so that 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, anti-social behaviour, neighbour nuisance and tenancy disputes. Tenants and other customers live in well-maintained neighbourhoods where they feel safe'*.
- **Outcome 11** – *'Tenancy sustainment. 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'*.
- **Outcome 14** – *'Providing tenants and other customers with value for money for the services they receive.'*
- **Standard 2** – *'The landlord 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. In addition, its primary focus is the sustainable achievement of these priorities.'*
- **Standard 5** – *'The RSL conducts its affairs with honesty and integrity'*.

## Equalities

We will ensure there is a consistent approach in promoting equality and diversity across all areas and this policy will be administered in accordance with this policy.

## Privacy

This document fully complies with General Data Protection Regulations (2018) and once approved will be published on our website to ensure transparency of how Elderpark Housing will seek to ensure Equality and Diversity across everything we do.

## Related Policies

Policy Title	Location
Allocations Policy	<a href="V:\Elderpark Policy Suite\Housing Management Policies\H2 Allocations Policy.pdf">V:\Elderpark Policy Suite\Housing Management Policies\H2 Allocations Policy.pdf</a>
Equality and Diversity Policy	<a href="V:\Elderpark Policy Suite\Governance Policies\G13 Equality and Diversity Policy.pdf">V:\Elderpark Policy Suite\Governance Policies\G13 Equality and Diversity Policy.pdf</a>
Estate Management Policy	<a href="V:\Elderpark Policy Suite\Housing Management Policies\H5 Estate Management Policy.pdf">V:\Elderpark Policy Suite\Housing Management Policies\H5 Estate Management Policy.pdf</a>

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## **1 Introduction**

- 1.1 Elderpark Housing Association (EHA) is a registered social landlord, established in 1975. We have strived to improve the lives of our residents, create opportunities and build a safe and secure environment. The Association is a 'not for profit' organisation, registered and regulated by the Scottish Housing Regulator and is governed by a voluntary Management Committee of up to a maximum of 15 people who employ a team of staff to manage the Association on a day-to-day basis.
- 1.2 The Management Committee is responsible for approving this Policy, and for overseeing its implementation. The Chief Executive and Management Team have operational responsibility for policy implementation, and for reporting to the Management Committee on areas relevant to anti-social behaviour.

## **2 Purpose of Policy**

- 2.1 The Anti-social Behaviour policy aims to ensure that we have an accountable process to identify, record and put in place procedures to deal with incidences of anti-social behaviour, in accordance with legal provisions and contractual terms contained within the tenancy agreement.
- 2.2 This policy is written in accordance with our Equality and Diversity Policy to ensure that tenants and residents in our community do not face discrimination, victimisation, harassment or social exclusion due to any of the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex or sexual orientation.

## **3 Aims and Objectives**

- 3.1 This policy is a key document within the Association and its aims and objectives are to:
- To give clear guidance on the process for dealing with anti-social behaviour by utilising both legal and on-legal means that exist within the existing legal provisions and best practice guidance
  - To ensure that our anti-social behaviour policy in line with other policies, such as our allocations policy helps build safe communities
  - Work alongside partner agencies to tackle anti-social behaviour and promote remedies that compliments this policy
  - Ensure that we comply with regulatory requirements
  - To ensure that incidences of anti-social behaviour are dealt with in accordance with our equality and diversity policy

- To ensure that complainants are kept informed of how their complaint is progressing and informed of the outcome

## 4 Legal and Regulatory Framework

4.1 We will seek to meet all of our legal obligations as set out in the following legislation:

- Anti-Social Behaviour etc. (Scotland) Act 2004
- The Housing (Scotland) Act 2001
- The Housing (Scotland) Act 2010
- The Housing (Scotland) Act 2014
- Criminal Justice Act 2003
- Equalities Act 2010
- General Data Protection Regulations 2018

4.2 In addition, we will meet the outcomes and standards contained within the Scottish Housing Regulators Regulation Framework.

- **Outcome 1** *addresses equalities and states that ‘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** *addresses communication and states that ‘Social landlords manage their businesses so that 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, anti-social behaviour, neighbour nuisance and tenancy disputes. Tenants and other customers live in well-maintained neighbourhoods where they feel safe.*
- **Outcome 11** *- Tenancy sustainment. 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.*
- **Outcome 14** *- Providing tenants and other customers with value for money for the services they receive.*
- **Standard 2** *- The landlord 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. In addition, its primary focus is the sustainable achievement of these priorities.*
- **Standard 5** *- The RSL conducts its affairs with honesty and integrity.*



## 5 Definition of Anti-social Behaviour

- 5.1 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 in 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 two occasions.
- 5.2 Anti-social behaviour can be committed by:
- The tenant or any other joint tenant
  - Any person living with the tenant e.g. family or friends
  - Lodgers or sub-tenants
  - Visitors to your home
- 5.3 Anti-social behaviour can affect:
- People living in or visiting the locality e.g. neighbours, relatives or friends
  - People engaged in lawful activity within 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 the adjacent properties to the local housing area
- 5.4 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.

## 6 Causes Anti-Social Behaviour

- 6.1 Examples of some of the main causes of anti-social behaviour are
- High population density in areas of deprivation
  - Clash in lifestyles amongst different households
  - Older properties which are no longer compatible with modern standards, such as poor sound proofing causing noise nuisance disputes
  - People requiring additional support and assistance to sustain and maintain their tenancy responsibilities
  - Drug dealing
  - Youth disorder

## 7. Remedies for Tackling Ant-Social Behaviour

7.1 We recognise that in order to tackle anti-social behaviour we 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 can assist us in dealing with issues of anti-social behaviour, such as:

- Police Scotland
- Social Work
- Environmental Health
- Third sector partner agencies
- Glasgow City Council (mediation, noise pollution etc)
- Health and Social Care Partnership
- Addiction Services

7.2 We recognise that in order to tackle anti-social behaviour effectively we employ a range of legal and non-legal remedies. This section details the remedies we might use. Legal action will be considered only where management actions (non-legal remedies) have been ineffective or considered inappropriate.

### 7.3 Non-legal Remedies

**7.3.1 Advice** - Making contact and providing suitable advice to tenants can be effective in resolving some minor tenancy breaches and low level disputes/nuisance complaints. In some instances staff may decide to issue a breach of tenancy letter.

**7.3.2 Warning Letter** - This can be issued following an interview with the perpetrator where the behaviour is persistent and previous advice has not been followed.

**7.3.3 Mediation** - Mediation is a remedy which can be considered where neighbour relations have broken down and legal action is not a suitable course of action.

**7.3.4 Acceptable Behaviour Contracts** - An Acceptable Behaviour Contract (ABC) is a written agreement between the perpetrator (child or adult), us and Police Scotland. The contract specifies a list of anti-social acts which the person has been involved in and they agree not to continue with. 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 an 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.

### 7.4 Legal Remedies

**7.4.1 Fixed Penalty Notices** - Glasgow City Council Enforcement Officers can issue a Warning Notice to noise offenders asking them to reduce the noise or face a £100 fixed penalty notice, if the noise is actionable under their powers. Enforcement Officers can also issue a fixed penalty notice in relation to dog fouling offences.

**7.5.1 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.

**7.6.1 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.

**7.7.1 Anti-Social Behaviour Order (ASBO)** - This is a court order preventing someone (aged 12 or over) from pursuing a 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. We can apply for an Interim ASBO / ASBO for anyone over the age of 12 years. They do not need to be a tenant, 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 behaviour
- persistent anti-social behaviour as a result of noise nuisance/ drug / alcohol misuse
- intimidation by threats and/or violence

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

**7.8.1 Notice of Proceedings (NOP)** - We may raise proceedings by serving an NOP on the tenant for recovery of possession of the property where there is a significant breach of the tenancy conditions. An NOP is the first stage of legal action that can be considered to address a breach of tenancy conditions.

**7.9.1 Short Scottish Secure Tenancy Agreement** - Where the prospective tenant, any joint tenant, any household member or visitors to the tenancy has engaged in anti-social behaviour within the last three years the Association can convert their SST to a short SST. A short SST is a means of converting a Scottish Secure Tenancy into a probationary tenancy whereby the tenant is required to cease engaging in anti-social behaviour during the 12 month period that the short SST is in force. Where the tenant continues to engage in anti-social behaviour we will look to end the tenancy by eviction.

Where the Association is considering using a short SST they will take account of the following.

- the nature frequency, duration and type of the anti-social behaviour
- what evidence there is available
- the impact the behaviour has had on the community
- where the behaviour has been taking place
- whether other actions could be taken to address the behaviour

- support requirements of the individual and the household

Where the tenancy is being converted to a short SST we will ensure that the tenant is notified in writing that the tenancy is being converted, the reasons for conversion, the actions that will be taken to convert the tenancy and details the tenant's right of appeal. In addition, we have a duty to provide or ensure the provision of housing support services to enable the tenancy to convert to a full SST where possible at the end of the initial 12 month period.

### **7.10.1 Repossession of a Scottish Secure Tenancy**

Whenever there is serious and persistent anti-social behaviour, we 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.

Evictions will normally be a last resort. However there are situations when an eviction decree would be our first option, for example, drug dealing, using the property to cultivate drugs or serious incidents of violence and intimidation.

## **8. Classification of Complaints**

8.1 Response to complaints will vary depending on the nature and seriousness of the particular issues involved. Tenants are encouraged to resolve minor complaints themselves, whereas, complaints of a more serious nature may require a response from the Housing Manager/Officer and in some cases involve liaison with other agencies such as Environmental Health, Police and Social Work. For monitoring and reporting purposes the different types and severity of complaints have been categorised as follows:

- **Category A – Very Serious Complaint**  
Complaints which concern allegations of drug dealing, using the property to cultivate drugs, 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.
- **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.
- **Category C – Nuisance Complaints**  
Litter dumping, excessive noise, control of pets, boundary disputes, untidy gardens, children causing a disturbance, noisy party.
- **Persistent Category C Complaints** will be re-classified as Category B cases and as investigated in accordance with the procedures for Category B.

- **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.

## **9. Partnership Working**

9.1 We will work alongside partner agencies such as Police Scotland, Glasgow City Council and other RSLs to address and tackle anti-social behaviour. As part of the joint information sharing protocol with Police Scotland, Glasgow City Council and other RSLs we share information and promote effective remedies for tackling anti-social behaviour. Often these agencies have more effective remedies for dealing with certain incidences of anti-social behaviour. For example.

- The police have legal powers to remove noise making equipment and powers of arrest
- Environmental health have legal powers to address littering and dog fouling issues
- Glasgow City Council have a number of departments that specialise in tackling noise nuisance, youth disorder and dog fouling

The Association conforms to the General Data Protection Regulations (GDPR) 2018 in relation to the storage and release of information.

## **10. Implementation of the Policy**

10.1 This policy will be implemented in line with our anti-social behaviour procedures. Staff will be fully conversant and trained to carry out all aspects of the policy and procedures in a fair and equal manner.

10.2 The health and safety of staff and complainants will be a primary objective in the investigation and management of all anti-social complaints.

## **11. Monitoring of the Policy**

11.1 We have a statutory duty to complete the Annual Return on the Charter (ARC) to the Scottish Housing Regulator (SHR) in relation to anti-social behaviour complaints by recording and submitting information on.

- Percentage of anti-social behaviour cases reported in the last year which were resolved
- Percentage of tenants satisfied with the landlord's contribution to the management of the neighbourhood they live in

11.2 We monitor the effectiveness and efficiency of current practice by recording the following:

- The number of complaints received
- The types of complaints
- The outcome of complaints
- Satisfaction levels through CX Feedback
- Timescales to complete the action plan to investigate the complaint

## **12. Complaints**

Complaints will be dealt with through our Model Handling Complaints Procedure

## **13. Review**

This policy will be reviewed every three years or changed as legislative and good practice dictates.