

Anti-Social Behaviour Policy

H.03

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Equality and diversity policy statement

This policy document can be produced in various formats, for instance, in larger print or audio-format; and it can also be translated into other languages, as appropriate.

Our equality and diversity policy statement describes our key equality commitments that we use to develop all organisational services; this includes employment services and services to tenants and other customers.

Our core values include providing a fair and equal service for all people and this is detailed in our Equality and Diversity Policy. Our approach to implementing this policy will reflect that commitment.

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1. Introduction

- 1.1 The purpose of this document is to set out Pineview Housing Association's policy in respect of anti-social behaviour and to provide a framework within which incidents of anti-social behaviour will be dealt with by the Association's staff.
- 1.2 Pineview Housing Association (PHA) is committed to ensuring that its residents live in a well-kept and safe environment. We recognise the rights of our 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 Pineview Housing Association (PHA) 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.
- 1.4 The Anti-Social Behaviour Policy applies to tenants, owners, sharing owners and their household members.
- 1.5 The policy will be supported by detailed procedures which will assist staff dealing with incidents of anti-social behaviour to offer appropriate responses, support and action.

2. Definition of Anti-Social Behaviour

- 2.1.1 For absolute clarity this policy will ensure that the Association provides a response to the following definitions of anti-social behaviour:
- 2.1.2 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"
- 2.1.3 PHA's Scottish Secure Tenancy Agreement (Section 3: Respect for Others) states:

'You, those living with you, and your visitors, must not harass or act in an anti-social manner to, or pursue a course of anti-social conduct against, any person in the neighbourhood. Such people include residents, visitors, our employees, agents and contractors and those in your house.'
- 2.1.4 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:

 - a) Acts in a manner that causes or is likely to cause alarm or distress; or
 - b) 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."

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

2.2 It is clear from the statutory definition of anti-social behaviour that it encompasses a wide range of behaviour which may be considered to be anti-social and the perceptions of tenants / residents may be different from those of practitioners.

2.3 Anti-social behaviour can therefore manifest itself in many ways, often depending on local circumstances, and can also 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.

2.4 Relatively minor breaches of the Association's Tenancy Agreement, such as failure to maintain garden areas satisfactorily, may not initially be classed as anti-social behaviour but actioned under the Association's estate management policy / procedures.

2.5 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 circumstances then this will be classed as harassment and will be dealt with under the terms of this policy.

3. Aims and Objectives of the Policy

3.1 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.

3.2 The Association will make every effort to ensure that its residents comply with their tenancy or residency conditions and can enjoy living in their homes and communities free from the effects of anti-social behaviour.

3.3 The Association will have regard for all legislative, contractual, regulatory and good practice requirements in the implementation of this policy.

4. Taking Complaints Seriously

4.1 All reports of anti-social behaviour will be taken seriously and individuals will be provided with the opportunity to discuss their concerns with staff.

4.2 It is not necessary for initial complaints to be made in writing; however, we will provide forms to complainants to assist in this and to ensure that records of complaints

are accurate. Verbal reports of complaints which are received and recorded by staff may need to be signed by the persons making the complaints.

4.3 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.

4.4 Anonymous complaints will be followed up where the matter is serious and also in cases where there is independent evidence – e.g. obvious vandalism, damage or graffiti to a property – available to the Association. We acknowledge that anonymous complaints are sometimes an indication of fear of reprisal or intimidation.

5. Responding to Complaints

5.1 The Association will respond promptly to complaints 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.

5.2 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.

5.3 We will carry out investigations in accordance with the timescales listed below, which may include escalating a case if it becomes more serious.

6. Complaint Categories and Timescales

6.1 Complaints are categorised as follows: -

Category A	Extreme / Very Serious
Category B	Serious
Category C	Nuisance / Environmental Issues / Disputes

6.2 Extreme / Very Serious Complaints (Category A)

6.2.1 Investigation commenced within 1 working day

6.2.2 Category A complaints relate to extreme forms of anti-social behaviour and includes certain types of criminal behaviour such as drug dealing, those involving incidents of violence or threats or violence towards any members of the public / staff, serious assault, serious harassment, racial harassment, incidents of sectarian abuse and serious damage to property including fire raising.

6.2.3 Although behaviour which is criminal in nature is entirely within the remit of Police Scotland, certain action may also be able to be taken by the Association.

6.2.4 Target for completion of investigation and determination on course of action is 3 working days.

6.3 Serious Complaints (Category B)

6.3.1 Investigation commenced within 1 working day

6.3.2 Category B complaints are of a more serious anti-social nature such as excessive and frequent/persistent noise, vandalism and damage to the Association's property, aggressive abusive behaviour, verbal and/or written harassment and misuse of drugs.

6.3.3 Target for completion of investigation and determination on course of action is 3 working days.

6.4 Nuisance, Environmental Issues or Disputes (Category C)

6.4.1 Investigation commenced within 3 working days

6.4.2 Category C complaints include low level neighbour disputes and other breaches in tenancy conditions such as stair cleaning, garden maintenance, rubbish dumping (these may be initially dealt with under our estate management policy as applicable), as well as infrequent noise, control of pets and family disputes.

6.4.3 Target for completion of investigation and determination on course of action is 5 working days.

6.5 The above category lists are not exhaustive but give an indication of how complaints will be categorised.

6.6 It is recognised that it is unlikely that all complaints will fit neatly within one category and previous case history as well as the nature of complaints will be taken into account when categorising.

	Category A	Category B	Category C
Acknowledgement letter sent	1 day	1 day	1 day
Visit /Interview Complainer	1 day	1 day	3 days
Visit /Interview Neighbours/Witnesses	1 day	1 day	3 days
Visit/Interview Alleged Offender	1 day	1 day	3 days
Liaise with other Agencies	1 day	1 day	3 days
Resolved/Case Evaluation & Action Completed	3 days	3 days	5 days

* day(s) = working day(s)

7. Fairness and Impartiality

- 7.1 A consistent approach will be adopted by Association staff to complaints which respect the rights of both the complainant and the alleged perpetrator(s).
- 7.2 Where the Association is satisfied that one of its tenants is involved in anti- social behaviour then we will be proactive in trying to resolve the problems being caused.

8. Support to Victims and Perpetrators

- 8.1 Support, including regular feedback/updates on action taken or progress of cases, will be provided to the victims of anti-social behaviour.
- 8.2 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.
- 8.3 In recognition that perpetrators may have unmet support needs, health and other issues and due to our commitment to tenancy sustainment and early intervention we will consider appropriate support for perpetrators.
- 8.4 Support for a perpetrator does not excuse anti-social behaviour and this support does not prevent us from taking enforcement action where necessary to protect victims and the wider community.

9. Confidentiality

- 9.1 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.

10. Involvement of Others

- 10.1 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.
- 10.2 In cases of persistent or widespread anti-social behaviour the support of community groups may be sought to assist in addressing problems and to support initiatives being pursued by the Association.

11. Remedies

- 11.1 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.
- 11.2 This will be done with reference to the terms of the Tenancy Agreement and by working with appropriate voluntary and statutory agencies such as Mediation Services, Glasgow Community Safety Services, Police Scotland, Environmental Services, etc.
- 11.3 Measures such as warnings/advice, Acceptable Behaviour Agreements, Unacceptable Behaviour Notices and Good Neighbour Agreements will be used where appropriate.
- 11.4 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:
- Interdict / Interim Interdict
 - Specific implement
 - Seizure of equipment causing noise
 - Anti-Social Behaviour Orders (ASBO)
 - Short Scottish Secure Tenancy
 - * Repossession Court Action (considered as a last resort and only after other options have been considered / exhausted)
- 11.5 *Committing serious anti-social behaviour or certain crimes are a breach of the tenancy agreement. If a tenant, or anyone living in the property or anyone visiting the property, are convicted of using the property or allowing it to be used for immoral or illegal purposes or of an offence punishable by imprisonment committed in or in the locality of the property, Pineview Housing Association is entitled to seek a court order for eviction.
- 11.6 The Housing (Scotland) Act 2014 removed the need for the Court to consider whether it is 'reasonable' to make an order for eviction where this ground is used for eviction.
- 11.7 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 e.g. Glasgow City Council, Police Scotland etc. to take action against the tenant(s) concerned.

12. Drugs/ Illegal / Immoral Activity

- 12.1 The Association recognises that the misuse of drugs can have a serious effect on those who misuse them, their families and their community. Involvement with drugs can often have a direct link to anti-social behaviour, particularly where the supply or sale of drugs is taking place.
- 12.2 While each case will be considered on its merits, if a tenant or any person residing, or visiting an Association property, is convicted of using or allowing the

property to be used for immoral or illegal activity, the Association will seek legal advice in order to recover the property.

- 12.3 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. Pineview Housing Association's policy on this type of activity is 'Zero Tolerance'.

13. Working with Other Agencies

- 13.1 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.
- 13.2 The specific statutory duty placed on the police 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.
- 13.3 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.

14. Non Association Residents

- 14.1 When complaints are made against Association owners or sharing owners, the Association will take action where there is a breach in the Deed of Conditions. Otherwise, the complainant will be advised of the options available to them.
- 14.2 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.
- 14.3 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.
- 14.4 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.

15. Preventative Measures

- 15.1 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 as follows:
- 15.2 Pineview's tenant's handbook will contain reference to being a good neighbour as well as a summary of our Anti-Social Behaviour Policy and tenancy agreement conditions / responsibilities.
- 15.3 All new tenants will be required to sign a 'Good Neighbour Agreement' along with their tenancy agreement. A 'settling in visit' will be made to new tenants within 6 weeks of their date of entry to further discuss / communicate tenancy conditions.
- 15.4 Housing List applicants and referrals will be made aware of their tenancy obligations and this policy when a pre-allocation visit is made/ during the pre-allocation process.
- 15.5 The Association will reserve the right in our Allocation Policy to consider housing mix when allocating properties in order to prevent potential lifestyle clashes.
- 15.6 Tenants will be made aware of bulk refuse removal arrangements.
- 15.7 Graffiti will be removed by the Association as a matter of urgency (especially when it is of a racist or offensive nature)
- 15.8 The Anti-Social Behaviour Policy will be publicised to existing tenants through our website, information leaflets, newsletter articles etc.

16. Performance Monitoring

- 16.1 Our performance on anti-social behaviour will be reported to the Association's Management Committee on a quarterly basis.
- 16.2 The Association will also monitor performance on anti-social behaviour using regulatory /statutory performance indicators (Scottish Social Housing Charter) as follows:
- 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.
 - 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

17. Delegated Responsibility

- 17.1 The Housing Services Manager will have delegated authority to discuss and agree local targets with the Resident and Customer Forum, tenant representatives, other RSLs and agencies for the effective management of anti-social behaviour cases.
- 17.2 Housing Services Officers have responsibility to pursue any appropriate action to resolve cases of anti-social behaviour and have delegated authority to issue Notice of Proceedings and progress all anti-social behaviour cases to eviction stage.
- 17.3 The Housing Services Manager has delegated authority to approve and cancel any legal / court proceedings. Housing Services Officers should therefore obtain the approval of the Housing Services Manager before instructing the Association's solicitors.
- 17.4 Implementing an eviction decree is subject to approval by the Director.

18. Complaints

- 18.1 Anyone who is not satisfied with the service they have received as a result of this policy has a right to complain. Please see the Association's Complaints Policy for details on how to do this.

19. Review / Consultation

- 19.1 This policy will be reviewed every 3 years unless amendment is prompted by a change in legislation or monitoring / reporting reveals that a change in policy is required sooner.
- 19.2 Policy review will involve consultation with our tenants, our Resident and Customer Forum and any other relevant stakeholders. We will take account of any views or representations in revising our policy and service provision.
- 19.3 We will also seek feedback from tenants about the operation of this policy through regular satisfaction surveys and any other appropriate methods.