



Craigdale
HOUSING ASSOCIATION

Anti-Social Behaviour Policy

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1. Introduction

- 1.1 Craigdale Housing Association is committed to ensuring that its tenants can enjoy quiet and peaceful occupation of their homes without being abused, harassed or subjected to noise, nuisance or anti-social behaviour caused by those around them.
- 1.2 Craigdale Housing Association recognises that it has responsibilities for the welfare of its tenants and for protecting tenants' rights. Craigdale Housing Association expects tenants to respect the rights of their neighbours to live without nuisance, annoyance, or harassment. The Craigdale Housing Association Tenancy Agreement makes this clear and states Craigdale Housing Association will take appropriate remedial action where tenants do not adhere to the conditions of the Tenancy Agreement regarding respect for others. Similarly, Craigdale Housing Association expects owner-occupiers to be good neighbours and will take appropriate action where this is not the case.
- 1.3 Craigdale Housing Association will investigate complaints of anti-social behaviour thoroughly and will identify and implement the most appropriate measures to resolve the complaints.
- 1.4 Our aim in the first instance is to try to resolve disputes wherever possible and to help tenants resolve any differences they have. However, where a tenant, member of their household or visitor is responsible for persistent or serious nuisance or anti-social behaviour, Craigdale Housing Association will take early action under its Tenancy Agreement and will consider where appropriate legal remedies available. Such action may include the use of Anti-Social Behaviour Orders (in conjunction with the Police and the Council), and conversion of a Scottish Secure Tenancy to a Short Secure Tenancy, with the provision of appropriate support.
- 1.5 Ultimately, Anti-Social Behaviour could result in the eviction of a tenant for perpetrating, permitting or condoning anti-social behaviour. At every stage our aim will be to stop the offending behaviour by the best means at our disposal, and to support victims of anti-social behaviour.

2. Aims and Objectives of the Policy

- 2.1 The following aims and objectives are set in the context of Craigdale Housing Association's overarching policy in relation to neighbour nuisance and anti-social behaviour.

Aims

- Adopt a zero-tolerance approach to anti-social behaviour affecting Craigdale Housing Association tenants.
- Recognise that neighbour nuisance and anti-social behaviour can be a multi-tenure issue and to ensure that appropriate mechanisms are in place to deal with the complex legal and practical issues associated with this.
- Pursue early intervention and the use of all available approaches to resolve the conflict, to prevent escalation and ultimately to stop the anti-social behaviour.
- Protect individuals' and households' entitlement to be able to quietly enjoy their home.
- Promote and adopt a partnership approach (especially in close liaison with Police Scotland) with other appropriate organisations.

Objectives

- All tenants and their neighbours may enjoy their tenancies while causing the minimum of disturbance to others and being undisturbed by the activities of other neighbouring residents.
- We establish the methods and preventative measures which will be used by Craigdale Housing Association to prevent and respond quickly to antisocial behaviour complaints.
- We give clear guidelines to staff, on how to deal effectively with reports or incidents of anti-social behaviour providing a high quality accountable and transparent service to meet the needs of all residents and wider community interests.

3. Legal and Regulatory Framework

3.1 The following is a brief summary of the main legislation that is taken into consideration when dealing with anti-social issues:

- Protection from Harassment Act 1997
- Human Rights Act 1998
- Data Protection Act 2018 and GDPR (General Data Protection Regulation)
- Housing (Scotland) Act 2001
- Criminal Justice (Scotland) Act 2003
- Antisocial Behaviour (Scotland) Act 2004
- Equality Act 2010
- Housing (Scotland) Act 2014

3.2 The Scottish Social Housing Charter, Outcome 6 – the Charter outcome requires social landlord, working in partnership with other agencies, to ensure that tenants and other customers live in well maintained neighbourhoods, where they feel safe.

4. Definition of Anti-Social Behaviour, Harassment, etc.

4.1 The Association's Tenancy Agreement states that anti-social means "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 or one very serious anti-social behaviour incident."

4.2 For the purposes of this policy any harassment against people from protected characteristics as defined by legislation will be regarded as very serious anti-social behaviour, as are assaults on employees and Board members of Craigdale Housing Association.

4.3 The following behaviour is excluded from this policy:

- Lifestyle clashes caused by behaviour that is eccentric or merely different, but which does not unreasonably interfere with other people's rights or impinge upon their homes.
- One-to-one disputes between neighbours of whatever tenure that do not fall within the definitions at 5.1 or 5.2.

5. Key Elements of the Policy

5.1 The key elements of the Anti-Social Policy are:

- Craigdale Housing Association is committed to using the best housing management policies and procedures to prevent nuisance and anti-social behaviour occurring.
- Where serious problems occur (especially of a criminal nature) Craigdale Housing Association will engage with Police Scotland in working towards a solution.
- Where problems persist (and there is no clear criminal justice solution), Craigdale Housing Association will take appropriate enforcement action under its Tenancy Agreement, or by otherwise using any legal means at its disposal, up to and including the use of Anti-Social Behaviour Order (ASBO) and/or eviction.
- At every stage, Craigdale Housing Association will work with the Police and any other relevant agencies to:
 - Resolve problems of anti-social behaviour.
 - Identify and commission support for people who need it.
 - Support the victims of anti-social behaviour and keep them informed of progress and development.

6. Our Approach

6.1 Our approach to dealing with Anti-Social Behaviour is as follows:

- Prevention
- Intervention
- Supporting Victims
- Enforcement

Prevention

6.2 The main thrust of this policy is to stress the significance of Intervention, Supporting Victims and Enforcement. Preventative action is introduced through pro-active and responsive measures to reduce the likelihood of anti-social behaviour and nuisance and prevent the escalation of disputes. Sensitive lettings policies are aimed at creating balanced and responsive communities that will help to create a culture of non-tolerance of anti-social behaviour.

Housing Management procedures and practice should encourage good neighbourly relations.

This will be achieved by:

- Ensuring every tenant understands their obligations to be a good neighbour at the point of sign-up. The tenant will sign a good neighbour agreement accepting the terms of the Association's Good Neighbour Charter.
- Housing Officers have a pivotal role in this process, by encouraging good behaviour and working to stop anti-social behaviour where it occurs. Their role is also crucial to ensure that incidents are properly recorded so that evidence is preserved for any court action ultimately taken.
- The use of early intervention and mediation to resolve disputes before they escalate.
- Partnership working to ensure appropriate support.
- The use of the Short Scottish Secure Tenancy (SSST) agreement as a device with probationary controls to offer tenants with a prior history of anti-social behaviour 'a second chance' with support build-in and leading to a Scottish Secure Tenancy (SST) agreement.

The behaviour standards expected from tenants and their visitors should be publicised. This will be achieved / assisted by:

- Ensuring that at Tenancy sign-up the importance of a good neighbour relations is stressed.
- Ensuring that regular newsletters provide prominent coverage of both positive neighbour relations stories and illustrate the consequences of anti-social behaviour.

Intervention

6.3 When complaints of anti-social behaviour come in, it is important that appropriate action is taken swiftly to resolve the problem where possible and avoid escalation. The key elements of intervention will be:

- Respond within agreed timescales to complaints in accordance with set procedures.
- Undertake thorough investigations and ensure accurate record keeping is maintained.
- Respond positively to cases where complaints are the result of unidentified support needs or inadequate support provision. In such cases support must be provided if it will stop the anti-social behaviour.

- Promote effective liaison and joint working arrangements with other agencies, both statutory and voluntary, such as other Housing organisations, the Police, the Health Board, relevant Council Departments such as Social Work and Environmental Services, the Procurator Fiscals office.
- Work closely with the Police to implement joint initiatives to address persistent problems and offenders in accordance with specific protocols, always being clear that criminal activity is primarily Police responsibility.
- Use the Mediation Service provided by Glasgow City Council to enable conflict to be resolved peaceably by those involved in it.
- Ensure staff are trained, equipped and supported to deal with the range of problems and issues that emerge.

Supporting Victims

6.4 Craigdale Housing Association recognises that taking action to deal with those responsible for anti-social behaviour must be complemented by awareness of the needs of victims of such behaviour. An essential element of this policy will therefore be:

- Protect and support victims of neighbour nuisance and anti-social behaviour. Involve Victim Support counselling and Police support where necessary.
- Keep victims and their families or representatives fully informed of progress with actions taken and expected outcomes. Ensure that the Police maintain an appropriate presence or take action in support of the victim.
- Even where actions are delayed (for example due to court procedures) ensure that victims are kept informed of the reasons for this.

Enforcement

6.5 Where early intervention has failed to stop the anti-social behaviour or if the initial complaint is of a very serious nature, staff will take enforcement action as follows:

- Agree with Police Scotland that most appropriate sanction (criminal or civil action) is available.
- Liaise with other agencies as appropriate to ensure that other remedies, such as increased support, have been exhausted.

- Serve the correct Notice of Proceedings on the tenant (and qualifying occupiers) and maintain accurate records, including demonstration of all reasonable attempts and efforts to notify qualifying occupiers. For the avoidance of doubt, Notice of Proceedings will be served on tenants even where the proposed action is to be an application for an ASBO. The serving of such a Notice will be a precautionary measure and does not commit Craigdale Housing Association to any particular Court action.
- If the tenant is the tenant of a Short Scottish Secure Tenancy, serve the correct Notice of Proceedings and Notice to Quit to terminate the tenancy on the ish (legal terminology for termination) date.
- Compile all of the evidence in anticipation of court action.
- Apply to the court for an interdict where the problem involves damage to property or threats to staff.
- Apply to the Council for an ASBO to be sought from the court (this sanction will also be available where owners are causing problems).
- Convert an existing Scottish Secure Tenancy to a Short Scottish Secure Tenancy, or grant an SSST to new tenants, where the tenant, a household member or a visitor, has been involved in anti-social behaviour within the last three years.
- Where a SSST has been given to a tenant because of anti-social behaviour the minimum period is 12 months. This is to allow sufficient time for support services to help address the anti-social behaviour. Craigdale Housing Association can also extend the SSST for an additional 6 months. This means that the SSST due to anti-social behaviour could last up to 18 months.
- If Craigdale Housing Association consider extending the duration of an SSST for an additional 6 months, the tenant has to be given two months' notice and informed of the reasons for the extension. The tenant will have to be in receipt of housing support before Craigdale Housing Association can use the extension.
- Report breach of an ASBO to the Police and monitor the outcome of Police action.
- Ultimately, seek decree from the court to evict the offending tenant.
- If decree is awarded, permission to enforce must be sought from the Board.
- At every stage ensure appropriate support is provided for victims and witnesses and keep them informed of progress.

7. Housing Services Team

- 7.1 Responsibility for the decision to initiate legal action in an anti-social case will be taken by the Senior Housing Officer in consultation with the CEO. Following such a decision, the matter should be passed to the Association's solicitor with all relevant evidence.
- 7.2 The Senior Housing Officer will manage the case, liaise with solicitor and attend court where required.
- 7.3 The Senior Housing Officer supported by the Housing Officer will carry out a subsequent investigation, update witness statements and provide such information to our solicitors to prosecute the case in court effectively.
- 7.4 Specialist Services – Dealing with anti-social behaviour will, on occasion, require the use of specialist services to either pursue or help resolve individual cases. The Association will either:
 - Provide such services/skills in house, or
 - Access such skills and services externally.
- 7.5 Craigdale Housing Association will be able to provide access to the following:
 - Mediation Service for dispute resolution
 - Professional Witness Service
 - Witness/Family Support Service
- 7.6 Craigdale Housing Association will ensure that staff have the training to provide or access all of the above.
- 7.7 With regard to information sharing, due regard will be had to the Data Protection legislation, GDPR, and specifically to the rules governing the deployment and use of CCTV equipment.

8. Category of complaints and Response times

- 8.1 The following category of complaints and response standards are regarded as crucial in ensuring that anti-social cases are properly assessed and speedily acted upon:

<u>Category 1</u>	
Neighbour Nuisance Complaints:	Complaints which concern allegations that involve simple breaches of tenancy conditions.
Response:	Within three working days of initial complaint. Performance Indicator - Respond to 90% of Category 1 complaint within 3 working days.
Resolve:	These complaints can be dealt with quite quickly if all parties involved can be interviewed in a short period of time. Our aim is for complete resolution within 10 working days.

<u>Category 2</u>	
Serious Complaints:	Complaints which concern allegations for example of aggressive/abusive behaviour, frequent disturbances, vandalism, drug/solvent/alcohol abuse, verbal/written harassment, and frequent and persistent noise pollution.
Response:	Within two working days of initial complaint. Performance Indicator – Respond to 95% of Category 2 complaint within 2 working days.
Resolve:	These complaints can be of a nature that may involve Police investigation and can therefore delay the resolution process. Our aim is for complete resolution within 8 weeks.

<u>Category 3</u>	
Very Serious Complaints:	Complaints which concern allegations for example, drug dealing, criminal behaviour involving violence or housebreaking, assault, violence, criminal threats, serious harassment and racial harassment, and serious damage to property, including fire raising.
Response:	Within 1 working day of receiving complaint. Performance Indicator – Respond to 100% of Category 3 complaint within 1 working day.
Resolve:	While these complaints require an immediate response, timescales for resolution can be lengthy due to other agencies involvement, judicial process etc. Our aim is for complete resolution within 12 weeks.

9. Pets

- 9.1 Tenants must take all reasonable steps to prevent pets from causing a nuisance, annoyance, or presenting a danger to neighbours. This includes fouling, noise or smell from pets. In such cases, permission to have such pet(s) **may** be withdrawn and action may be taken against the tenancy.

10. Equality and Human Rights

- 10.1 The Association will provide equality of opportunity and fair treatment for all, ensuring that no individual or group is treated less favourably than anyone else. We work closely with community stakeholders, to provide assurance that we are achieving these aims.
- 10.2 The Association will meet, and where appropriate exceed our obligations under the **Equality Act 2010**, including the general equality duty in the Act, to ensure we do not discriminate against, harass, or victimise a person because they have one or more of the nine protected characteristics described in the Act.
- 10.3 An Equality Impact Assessment (see Appendix 1.) has been carried out as part of the review of this policy, in order to assess where the aims of this policy may have a positive, negative or neutral impact upon any of the nine Protected Characteristics set out in the Equality Act 2010

11. DATA PROTECTION

- 11.1 Craigdale handles the personal data we use in line with our obligations under data protection legislation and the Association's Privacy Policy and Data Retention Schedule. Information about how we handle personal data and the legal basis for processing personal data is available through the Association's Fair Processing Notices.

12. Monitoring and Review

- 12.1 We will report quarterly to the Operational Services Committee on the following:
- Number of cases of anti-social behaviour reported in the quarter.
 - Number of cases resolved.
 - Number of cases resolved within locally agreed targets.
 - Outcome of tenant satisfaction with service delivery.
- 12.2 This policy will be reviewed by the Board every 3 years.

13. Complaints

- 13.1 Tenants or others who are unhappy with our decision regarding Anti-Social behaviour should refer to the Association's Complaints Policy.