

ANTI SOCIAL BEHAVIOUR POLICY

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Policy Owner	Housing Services
Author	Neil McKnight, Housing & Care Director
Reason for Revision	Policy out of date, and learning from previous issues being built into the policy
Data Protection	
Equalities Impact Assessment Is it required? Yes/No	This policy ensures that all anti-social behavior incidents are dealt with fairly and equally
Proof Read	Yes
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Approved by	Housing & Care Committee
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Internal References	N/A
External References	Included at section 2.2.2
Comments	

ANTI SOCIAL BEHAVIOUR POLICY

1. POLICY STATEMENT

- 1.1 Blackwood believes that our Customers (Tenants and Residents) have the right to live peacefully in their homes, free from harassment and we are committed to providing a positive response to any complaints of Anti-Social Behaviour.
- 1.2 All customers (Tenants and Residents) have a responsibility for adhering to the terms of their tenancy/occupancy agreement, to treat others with respect and to be a good neighbour.
- 1.3 Blackwood are aware of the distress that Anti-Social Behaviour can have on individuals and communities and will take a robust approach in tackling problems caused by tenants, other household members or their visitors.
- 1.4 We want to promote positive community engagement and therefore our policy is based on promoting positive outcomes for everyone. Our procedures will be based on Prevention – Intervention – Engagement with our customers who live within our properties. We will use our procedures in line with this policy, which will link with our Complaints database to acknowledge and respond to cases of Anti-Social Behaviour within our communities. We recognise that the organisation will rarely work alone in dealing with Anti Social Behaviour. We will deal with each case of Anti-Social Behaviour on an individual basis using our policy and procedures and also working in partnership with external agencies, taking a multidisciplinary approach to tackle Anti-Social Behaviour. Where necessary use the powers available to us under the Anti-Social Behaviour legislation which may include taking legal action against those responsible for Anti-Social Behaviour.

2. PRINCIPLES AND SCOPE OF THE POLICY

2.1 Aims and Objectives

- 2.1.1 To establish methods and preventative measures which will be used by Blackwood to prevent and respond effectively to Anti-Social behaviour complaints.
- 2.1.2 To assist tenants, residents and communities find their own peaceful solutions to problems of nuisance neighbours where possible and provide advice and information on ways to address neighbour/neighbourhood problems.
- 2.1.3 To give clear guidelines to staff supported by written procedures and training, on how to deal effectively with incidents of Anti-Social Behaviour.

2.1.4 To work proactively with Local Authority Anti-Social Behaviour teams and other external agencies.

2.2 **Statutory Requirements**

2.2.1 The Organisation complies with and is aware of statutory requirements which are appropriate to the tenure status of tenants when dealing with Anti-Social Behaviour.

2.2.2 **Principally these include:**

- Anti-Social Behaviour Act etc. (Scotland) 2004
- Tenancy Agreement
- Housing (Scotland) Act 1988
- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2010
- Housing (Scotland) Act 2014
- Race Relations Act 1976 (as amended)
- Disability Discrimination Act 1995 (as amended)
- Human Rights Act 1998
- Crime and Disorder Act 1998

2.3 **Definition and Categories**

2.3.1 The Anti-Social Behaviour (Scotland) Act 2004 defines Anti-Social Behaviour as “conduct, including speech, which causes, or is likely to cause alarm or distress to one or more persons not of the same household”. The behaviour must happen on more than one occasion.

2.3.2 There are different types of neighbour nuisance and Anti- Social Behaviour (see Appendix A). It is important to distinguish between the severities of different types of behaviour. They have been classified into categories which influence the way and time in which we will respond. We will respond sensitively and objectively and the response may be in the form of telephone call, a letter, a home visit or interview. All cases will be recorded in our Complaints Database and responded to within the stated timescales. Information will also be provided to customers on other external agencies that they may contact if they feel that their complaint of Anti-Social Behaviour has not been dealt with effectively.

2.4 **Method and Preventative Approach**

2.4.1 At tenancy sign up we will explain the organisation’s policy on Anti-Social Behaviour and that the tenancy agreement forms a legal agreement, setting out the rights and responsibilities of the organisation and the tenant. Blackwood will also ask new tenants to sign a ‘Good Neighbour Pledge’, which is an informal document highlighting expected behaviour. Tenants will be provided with a copy of their tenancy agreement and a Tenants Handbook The tenant will be given a summary of the policy and the standards that tenants can expect from the organisation when reporting Anti-Social Behaviour.

- 2.42 Blackwood staff will visit neighbourhoods regularly to make sure that they are free of graffiti or other signs of damage. We will have estates tours of our neighbourhood's at least annually with customers being invited to accompany the staff and where required contractors, and agree any actions required to address any areas affecting the properties or developments.
- 2.4.2 The organisation recognises that prevention is the most effective form of action and will seek to establish models of multi agency working. As a landlord our potential actions are limited to housing related matters but we recognise the importance of working with other agencies to ensure a multi disciplinary approach to dealing with Anti-Social Behaviour and will liaise with Police, Fire & Rescue, Social Work, Education, NHS and health services as well as community and voluntary groups. We will take steps to communicate with other authorities to deal with nuisance and anti-social problems that fall into their scope of responsibility including Planning Department, Environmental Health Department, Cleansing/Waste Management Department and Community Warden Services.
- 2.4.3 We will ensure that the design of all new developments follows "secure by design" guidelines. We will work with partners and communities to take forward initiatives linked to addressing Anti-Social Behaviour problems in areas where our housing is located.
- 2.4.4 We will aim to make allocations in all of the organisations properties to promote balanced and sustainable communities and carry out pre-allocation home visits to potential tenants, and written references will be sought from previous landlords. We will carry out 'settling in' visits to new tenants within 4 weeks of moving in. This allows both the tenant and the organisation an opportunity to discuss any aspect of the tenancy which may not have been fully appreciated at the point of allocation. The purpose of the visit will include checking how the tenant is getting on with neighbours and re emphasizing the tenants obligations and 'Good Neighbour Pledge'.
- 2.4.5 We will keep complainants informed as clearly as possible of the outcome of any investigation undertaken by staff, whilst respecting the confidentiality of information made available to us.
- 2.4.6 We will give advice to complainants on support agencies and make referrals where appropriate.

2.5 **Dealing with reports of Anti Social Behaviour**

Step 1: Talk about it

The organisation will encourage complainants to discuss the issue with the offending tenant, as they may not be aware that they are causing a problem. If they are unable to resolve the issue, tenants are then encouraged to report the matter to Blackwood staff. Serious issues should be reported to the Police immediately.

Step 2: Responding to complaints of Anti-Social Behaviour

On receipt of any reports of Anti-Social Behaviour the organisation will respond to the complainant within the timescales as specified in Appendix A and may need to discuss further with the complainant before approaching the offending tenant. Where the complaint is deemed not to be Anti-Social Behaviour but neighbour nuisance, Blackwood will approach the offending tenant to discuss the matter, following up by formal letter.

Step 3: Interview

If it has been established that Anti-Social Behaviour has occurred Blackwood staff will arrange to interview the offending tenant. However if the problem is serious and involves any form of harassment the organisation will investigate and visit the offender within 1 working day. Tenants will also be advised to contact the Police.

Step 4: Action Plan

After the initial investigation, the organisation will decide on the next steps. This will depend on the type of behaviour and will be discussed fully with the Complainant. We will always take a multidisciplinary approach when dealing with Anti-Social Behaviour and aim to utilise network meetings and case conferences to ensure a holistic approach. Ensuring we make links with Local Authorities Anti-Social Behaviour Teams and Police Divisions, calling network meetings and case conferences where appropriate.

Step 5: Mediation

Where it has been established that Mediation will assist in resolving the dispute, the organisation will make the necessary arrangements with external agencies for the complainant and complainee to meet and discuss a resolution where possible.

Step 6: Evidence

Throughout all investigations, Blackwood staff will keep accurate records of any reports made to the organisation in relation to the Anti-Social Behaviour complaint. Complainants will be provided with 'Diary Sheets to gather evidence. If the Tenant is unable to gather evidence in this way, alternative methods will be provided to suit the needs of the Complainant.

The organisation will ensure that all appropriate agencies are involved at this stage which may include the Police, Environmental Health, Social Work etc.

Step 7: Taking action

The organisation will review all the evidence and a decision will be reached based on the information that has been gathered. Where the evidence supports the complaint Blackwood will take the case forward and implement any necessary actions required to resolve the Anti-Social Behaviour. This may include taking legal action against the individual responsible.

Where Anti-Social Behaviour is deemed to be of a serious nature which Blackwood are unable to resolve we will commence legal proceedings, however, in all other instances the organisation will try to engage with the offending tenant to resolve the reported Anti-Social Behaviour and work with customers in our communities to promote positive outcomes for all. This will include:-

- Visiting the offending tenant to discuss their tenancy conditions
- Issuing a warning letter to advise of legal action that may be taken if the behaviour does not cease.
- Issuing an Acceptable Behaviour Agreement
- Facilitating support, particularly where the behaviour is linked to substance/alcohol misuse or mental health issues.
- Calling network meetings and case conferences with other agencies including Police Scotland, Social Work Department, advocacy services and any other involved parties.
- Issuing an Unacceptable Behaviour Notice where the agreed Acceptable Behaviour Agreement has been breached.

Step 8: Legal Action

Legal action will be taken as a last resort and only when all other avenues have been exhausted and may result in the offending tenant losing their home, remaining in their home with less rights or being excluded from their home for a period of time. In cases of serious or persistent Anti-Social Behavior we will consider taking, or requesting the Local Authority to take the following legal action against the tenancy of the offending tenant:

- Interdict or Interim Interdict – an interdict is an order of the court requiring the person whom it is addressed to stop doing something legally wrong.
- Anti-Social Behaviour Order – an Anti-Social Behavior Order (ASBO) or Interim ASBO is a remedy introduced by sections 19, 21 and 22 of the Crime and Disorder Act 1998 and amended in Part 2 of the Anti-Social Behaviour etc. (Scotland) Act 2004. The order can be granted against anyone aged 12 years and over.
- Eviction Proceedings – Notice of Proceedings may be served to pursue eviction of the tenant and repossession of the property or rehousing of the tenant to alternative accommodation. The termination of a Scottish Secure Tenancy is controlled by Section 14 of the Housing (Scotland) Act 2001
- Demotion of Tenancy – should an ASBO be granted, a Scottish Secure Tenancy can be demoted to a Short Scottish Secure Tenancy (SSST) through powers passed in the Housing (Scotland) Act 2001.
- Closure Notices – the Police can seek an order be granted to ‘close down’ a particular property for a specified period of time. The property is made secure and the tenant is prohibited from returning to the

property, having to secure alternative temporary accommodation. The intention of the order is to allow the neighbours a period of respite while the tenant works with support services to change their behaviour and return to the property.

- Dispersal Notices
- Parenting Order
- Children's Hearings
- Fixed Penalty Notices

2.6 Confidentiality

2.6.1 Any reports of Antisocial Behaviour will be treated in complete confidence and no action will be taken against the offending tenant without the consent of the complainant. However there may be occasions when we as a landlord have to take action to safeguard the whole community despite the complainant not wishing any action to be taken.

2.6.2 We will only divulge information to a third party if written consent is obtained from the person concerned or subject to information sharing protocols and the Data Protection Act.

2.7 Customer/Tenant Involvement

2.7.1 We will ensure that tenants are involved in any review of the Anti-Social Behaviour policy. We will consult with the appropriate tenant panels and focus groups. We will encourage feedback and respond constructively. We will involve tenants in the development of new initiatives for the improvement of the local environment and amenities and keep tenants informed about activities affecting the area around their homes.

2.8 Equality and Diversity

2.8.1 We will regularly review performance to ensure equality of access to our services and take proactive steps to ensure that all sections of the community we serve are able to report cases of Anti-Social Behaviour equally by:-

- Providing translated leaflets and literature where requested
- Monitoring cases to ensure that all cases are dealt with in a consistent manner in line with procedure
- Ensuring that staff are trained to deal with Anti Social Behaviour

2.9 Appeals and Complaints Policy

2.9.1 Appeals or complaints against our operation of this policy and the procedures for dealing with anti social behaviour will be processed through the organisations complaints procedure.

3. **KEY OPERATIONAL FRAMEWORK**

3.1 **Monitoring, Measurements and Reporting**

3.1.1 The organisation will monitor and keep a record of complaints and subsequent action using a standardised format. The following information will be provided to the Housing & Care Committee on a quarterly basis:-

3.1.2 Number of Category A complaints of Anti-Social Behaviour and progress to date against approved timescales.

3.1.3 Overall number of complaints of anti social behavior

3.2 **Policy Availability**

3.2.1 The organisation will publicise this policy widely and will prepare a summary of the policy in plain English which will be available to all. The policy will be made available in languages other than English, large print, Braille, tape or cd for anyone who requires it.

Appendix A

What is Anti Social Behaviour?

Anti-social behaviour is legally defined as someone acting “in a manner that caused, or is likely to cause, alarm or distress to one or more persons not of the same house hold.”

Categories of Anti Social Behaviour

Reports of Anti Social Behaviour will be categorised and responded to by the following timescales:

Category A Extremely serious – imminent risk ¹ Response with in 1 working day	Category B Serious – no immediate risk Response with in 5 working days	Category C Neighbour nuisance Response with in 10 working days	Category D Non tenancy related issues No formal response – advice will be given to complainant
Violence	Threats of violence including verbal abuse	Day to day living noise	Speeding on public roads
Harassment on the grounds of race, colour, gender, sexual orientation, religion, disability, age or domestic violence.	Criminal activity including drug dealing and substance misuse, breach of the peace, significant vandalism	Minor breach of tenancy conditions including parking, refuse, pets,	Child & Adult Protection (will be reported to relevant Local Authority)
	Serious breach of tenancy conditions including excessive noise	Environmental issues including graffiti, minor vandalism, littering, fly tipping.	Complaints relating to neighbouring owner/occupier properties

If any behaviour represents a threat to the safety of occupants of a building or to the structure of the building such as rubbish blocking a fire exit or creating a fire hazard, the response time will be with in 24 hours.

Investigations into complaints of Anti-Social Behavior should aim to be resolved with in 30 days however extensions may be requested when the circumstances dictate. In such cases it is important to ensure the complainant is kept up to date and informed of this.

Non tenancy related matters, includes complaints which are not housing related matters or issues outside Blackwood’s jurisdiction, for example Adult Support and Protection and Child Protection (refer to policies), owner occupiers or speeding, general advice will be given regarding where to direct their complaint.

Reports of child or adult protection issues will be passed to the relevant Local Authority.

¹ Risk of harm to an individual or property