

Anti-social Behaviour Policy

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CORPORATE FIT	
Corporate Strategy	✓
Risk Register	✓
Business Plan	✓
Regulatory Standards	✓
Equalities Strategy	✓
Legislation	✓

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1. INTRODUCTION

1.1 Statement of Objectives

The Anti-Social Behaviour Policy aims to create and maintain conditions in which tenants can enjoy their home and surroundings in peace, without unreasonable disturbance from others.

Our objectives include:

- being efficient and proactive in fulfilling our legal obligations as a landlord.
- ensuring that tenants fulfil their legal obligations in relation to their tenancy agreement
- focusing on prevention and early intervention where appropriate.
- developing a multi-agency approach to resolving disputes that we cannot resolve independently.
- ensuring that tenants are kept regularly up to date on the status of their complaint.
- ensuring that staff are appropriately trained so that they have the appropriate skills to deal with issues that arise; and
- monitoring and reviewing incidents of anti-social behaviour, identifying trends and intervening as appropriate.

CVHA will take a strategic approach to the management of Anti-Social Behaviour (ASB), including:

- contributing to, and taking part in, partnership and multi-agency working to deal with, and prevent, anti-social behaviour within communities where the Association is represented.
- developing schemes which 'design out' crime; and
- making budgetary provision where appropriate to undertake improvements, such as increased security lighting, which would help to prevent or reduce ASB.

1.2 Compliance with Regulatory Standards

In terms of the Scottish Social Housing Charter, the Scottish Housing Regulator has identified a number of key indicators relevant to estate management by which it will measure landlord performance, including the following:

Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes – tenants and others live in well-maintained neighbourhoods where they feel safe.
Value for money – tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay.

1.3 Expected Outcomes

Key outcomes of operating an effective Anti-Social Behaviour Policy include:

- ensuring that properties are well maintained, safe, secure.
- optimising customer satisfaction with service delivery; and
- delivering value for money.

1.4 Informing and Involving Stakeholders

We will promote our Anti-Social Behaviour Policy in line with our Customer Engagement Strategy.

1.5 Corporate Fit

1.5.1 Legislation and best practice

We will comply with all relevant legislation and associated regulations, including:

- The Housing (Scotland) Act 1987, 2001 and 2010.
- Environmental Protection Act 1990, as updated by Public Health etc. (Scotland) Act 2008.
- Protection from Harassment Act 1997.
- Crime and Disorder Act 1998.
- The Data Protection Act 2018.
- The Privacy and Electronic Communications (EC Directive) Regulations 2003:
- The General Data Protection Regulation (EU) 2016/679 (the “GDPR”).
- Human Rights Act 1998.
- Criminal Justice (Scotland) Act 2003.
- Antisocial Behaviour etc. (Scotland) Act 2004.
- Police, Public Order and Criminal Justice (Scotland) Act 2006.
- Equality Act 2010; and
- The Scottish Social Housing Charter.

Section 143 of the Antisocial Behaviour etc. (Scotland) Act 2004 defines antisocial behaviour as a person who,

- acts in a manner that causes or is likely to cause alarm or distress; or
- 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’ is defined as including speech, and a course of conduct must involve conduct on at least two occasions.

Common law, statute and the contractual obligations within our tenancy agreement set out our responsibilities as landlord and those of our tenants.

Our Anti-Social Behaviour Policy is consistent with our:

- Corporate Strategy.
- Business Plan.
- Tenancy Sustainment Policy.
- Estate Management Policy.
- Health and Safety Policy.
- Risk Strategy.
- Financial Regulations; and
- Standing Orders and Delegated Authority Policy.

1.5.2 Equalities

Our Anti-Social Behaviour Policy complies with CVHA's Equality Policy to ensure equality of treatment for all tenants without discrimination or prejudice.

1.5.3 Confidentiality

CVHA recognises that confidentiality is important to tenants and will treat their tenancy information in the strictest confidence under the Data Protection Law and in line with CVHA's Openness and Confidentiality Statement.

1.5.4 Business Plan and risk management

Our Business Plan reflects that tackling anti-social behaviour is a key landlord responsibility. We seek to mitigate against business risk through managing our anti-social behaviour service in an efficient, effective and economic manner.

1.5.5 The Board

The Customer Services Director has responsibility for overseeing the implementation of the Anti-Social Behaviour Policy and the Customer Services Manager is responsible for key aspects of the day-to-day service delivery with delegation of specific tasks to appropriate staff.

We clearly define budgetary responsibilities and delegation of authority for anti-social behaviour functions within our Financial Regulations and Standing Orders and Delegated Authority Policy.

In order to monitor the effectiveness of this policy, Key Performance Indicators (see Appendix 1) will be used to measure anti-social behaviour outcomes and a number of associated outcomes. We will routinely review and analyse the outcomes and make recommendations where changes are required.

The Board will receive regular updates on the implementation of the Anti-Social Behaviour Policy so that they can have reasonable assurance that it is operating effectively in practice. The Audit and Risk Committee may also seek assurance in this regard.

2. KEY PRINCIPLES – ANTI SOCIAL BEHAVIOUR POLICY

2.1 Anti-social behaviour and harassment

2.1.1 Tenants are entitled to live in their home free from fear and disruption from others. We will respond promptly to all complaints about breaches of tenancy conditions involving disruptive behaviour and harassment. We will take a firm approach as required.

2.1.2 We will deal with all complaints of anti-social behaviour or harassment fairly and effectively and will regularly update the complainant on all action being taken.

2.1.3 We will contribute to and work in partnership with other agencies to prevent and manage ASB including:

- taking a multi-agency approach and working with perpetrators to improve their behaviour.

- working closely with local authorities, relevant partners, and agencies, to ensure that an appropriate assessment takes place prior to rehousing any person who has been linked with ASB and to identify perpetrators who may attempt to move from property to property.
- being part of formal information sharing protocols, and other appropriate protocols to facilitate the exchange of relevant information.
- forming and maintaining links with statutory and other agencies to work towards preventing and reducing ASB.
- being active members of key local partnerships; and
- holding perpetrators accountable for their actions and ensuring that the full range of civil and criminal remedies are considered.

2.1.4 Anti-social behaviour, sometimes referred to as neighbour disputes, is an almost inevitable consequence when the lifestyles of people living near to each other clash. This can happen when, for example, different age groups, household sizes / family composition, cultural backgrounds, and working / sleeping patterns give rise to arguments.

2.1.5 This can manifest itself in a number of ways, such as complaints and disputes about responsibility for common areas, litter, noise, or the behaviour of children. Whatever the case, there is often great potential for the dispute to become serious over time if it is not resolved at an early stage.

2.1.6 The definition of what constitutes 'anti-social behaviour' is based upon what is viewed reasonable and unreasonable and this, in turn, requires a judgement to be made. The types of behaviour viewed as anti-social are likely to include:

- **Verbal abuse/harassment/intimidation/ threatening behaviour** - including groups or individuals making threats, verbal abuse, bullying, following people, pestering people, voyeurism, sending nasty / offensive letters, obscene / nuisance phone calls, menacing gestures.
- **Hate related incidents** – based on race or ethnicity, sexual orientation, gender identity, disability, religion or belief, age, HIV or AIDS status, mental health
- **Domestic abuse**
- **Physical violence** – other than domestic abuse
- **Noise** - including noisy neighbours, noisy cars / motorbikes, loud music, alarms (persistent ringing / malfunction) including car alarms, noise from pubs / clubs, noise from business / industry, loud parties
- **Drug / substance misuse & dealing** – including taking drugs, sniffing volatile substances, discarding needles / drug paraphernalia, "Crack houses", presence of dealers or users
- **Alcohol related nuisance** – including drunken behaviour.
- **Prostitution/sexual acts/kerb crawling** – including inappropriate sexual conduct, indecent exposure and soliciting

- **Vehicle nuisance** - including abandoned cars, illegal parking, car repairs, setting vehicles alight, joyriding and riding of mopeds, cycling / skateboarding in pedestrian areas / footpaths
- **Pets and animal nuisance** - including uncontrolled animals e.g., on balconies and footpaths, feeding pigeons, fouling in communal areas, excessive noise or odours from animals
- **Misuse of communal areas/ public space/ loitering** - including urinating in public, setting fires (not directed at specific persons or property), inappropriate use of fireworks, throwing missiles, climbing on buildings, impeding access to communal areas and rowdy behaviour - including shouting & swearing, fighting, hooliganism / loutish behaviour
- **Vandalism and damage to property** - including graffiti, criminal damage
- **Litter / rubbish / fly-tipping** - including dropping litter, dumping rubbish, flyposting
- **Garden nuisance** – including keeping an untidy and unsightly garden, and inconsiderate use of communal gardens
- **Criminal behaviour** – other than that recorded in other categories.
- any other anti-social behaviour that Clyde Valley Housing Association reasonably defines as being unacceptable

2.1.7 When allocating tenancies, we will seek to manage potential risks and identify support needs including:

- undertaking risk assessments and support planning prior to, and during the tenancy, to achieve tenancy sustainability; and
- ensuring appropriate support is identified by working in partnership with other service providers and agencies, and that where appropriate this support is ongoing.

2.1.8 We will work with communities to reduce and prevent ASB including:

- promoting diversionary projects for young people; and
- contributing to and taking part in partnerships that work towards the prevention, management, and protection of the wider community.

2.1.9 We will view all complaints of alleged anti-social behaviour from the complainant's perspective and will investigate cases confidentially and impartially. The Association's staff will offer assistance where required and a sign or language interpreter can be made available and the complainant can have a family member, friend or other representative with them at all times, if they so wish. We will discuss complaints in a location where complainants feel comfortable, and details of the alleged anti-social behaviour will be treated confidentially.

2.1.10 We will assume in the first instance, that a complaint is justified and will, where appropriate, support victims and witnesses including:

- ensuring support needs and / or the need for protection is identified and is accessed by working in partnership with another specialist agencies.

- being sensitive to the diverse needs of victims and children irrespective of gender, race, religion, age, disability, or sexual orientation.
- respecting the complainant's wish to remain anonymous and where appropriate, identifying alternative methods of providing evidence. The exception to this will be where a person (including children) is considered to be at risk, or if there is a risk of serious harm to anyone involved in the situation, or when required to do so by law or by an order of a court.
- providing advice and assistance and a supportive environment, which encourages people to report ASB to us, police and other relevant agencies.
- commencing an investigation into a complaint as soon as is reasonably possible and in accordance with the ASB service standards.
- providing a quick response especially in cases of harassment, violence or intimidation in accordance with the relevant service standards
- developing the complainant's capacity to act as a witness by building their understanding and confidence.
- communicating regularly with complainants to keep them informed of progress; and
- considering whether, due to the seriousness of the situation, a transfer to alternative accommodation is appropriate and supporting this in liaison with the appropriate local authority.

2.1.11 As part of our investigations, and with the agreement of complainants, we will work with relevant agencies (e.g., Police, local authority, victim support, etc), regularly monitoring progress and initiating follow-up action if required. As part of this process, we may issue complainants with a diary so that they can note any incidents of anti-social behaviour.

2.1.12 We will consider the action that best delivers a proportionate and flexible response to the anti-social behaviour reported. We will seek to resolve cases of anti-social behaviour informally, but where there is persistent anti-social behaviour, we will explore other avenues, such as:

- Social Work.
- mediation service.
- Police (usually for corroboration of, for example, excessive noise).
- Anti-Social Task Force; and
- legal and other remedies (including Interim Interdict; Anti-Social Behaviour Order; legal proceedings to recover the tenancy; and management transfer).

2.1.13 We will prioritise complaints of anti-social behaviour depending upon their seriousness (see Annex A). High priorities include where there appears to be criminal activity – we will refer such matters directly to the police and advise the complainant accordingly. Medium priorities include where there appears to be a breach of tenancy – the Housing Officer will investigate and update the complainant as appropriate. Low priorities include personal squabbles and minor disagreements that are unrelated to the tenancy – we may advise the complainant of their responsibility to address such matters without our involvement. Annex A sets out how we classify and prioritise such complaints and our Anti-Social Behaviour procedures contain target timescales for responding.

2.1.14 We will ensure that perpetrators receive advice and support to assist them in either modifying their behaviour, or to assist them to deal with any underlying cause of ASB including:

- responding to ASB issues at an early stage by clearly challenging the perpetrator about their behaviour and explaining to the perpetrators their responsibilities. This may include accessing a specialist support service to help the perpetrator to understand and adhere to the tenancy obligations.
- explaining to the perpetrator the potential actions which may be taken against them and the possible outcomes of such actions.
- making all reasonable attempts to engage with perpetrators to improve their behaviour or increase their consideration for other residents.
- referring perpetrators to appropriate support services, such as Drug and Alcohol Advisory Services, to provide support and assistance with rehabilitation.
- continuing to liaise with agencies supporting a perpetrator to ensure that there is an on-going 'joined-up' approach; and
- ensuring any action taken against a perpetrator is necessary and proportionate.

2.2 Harassment

2.2.1 Harassment is defined by the impact of the behaviour on the victim, not the intention of the perpetrator.

As a guide, we consider harassment to include:

- any behaviour that is unreasonable, unwelcome and offensive
- any deliberate act to interfere with the peace, comfort or safety of any other person or persons because of a characteristic such as those listed above, or any other personal characteristic

We will not tolerate any forms of harassment. Our initial assumption will be that harassment exists if the victim perceives this to be the case. We will take all allegations of harassment very seriously and act promptly.

2.2.2 'Harassment' exists when one party acts to adversely affect the peace or comfort of, or cause offence to, another party (the victim). It is different from anti-social behaviour (as described above) in that harassment is usually deliberate and directed at one person / household, although the distinction can sometimes be confused, and the terms used interchangeably. Often the harassment will be on at least one of the following grounds:

- race.
- colour.
- religion.
- gender.
- sexual orientation.
- disability.
- illness.
- age.
- lifestyle.
- political beliefs; or
- occupation

2.2.3 It is impossible to provide an absolute definition of the types of action that may constitute harassment, but the following list provides examples.

- the use of slogans (in written or spoken form) that cause offence.

- violence or threats of violence (whether empty or not).
- berating the victim to others; or
- any action that makes the victim feel ill at ease or harassed.

2.2.4 Complaints should be made in writing, in person or via telephone. The Association's staff will offer assistance where required and a sign or language interpreter can be made available and the complainant can have a family member, friend or other representative with them at all times, if they so wish. We will discuss complaints in a location where complainants feel comfortable, and details of the alleged harassment will be treated confidentially.

2.2.5 As part of our investigations, and with the agreement of complainants, we will work with relevant agencies (e.g., Police, local authority, victim support, etc), regularly monitoring progress and initiating follow-up action if required. We may issue complainants with a diary so that they can note any incidents of harassment.

2.2.6 Staff will be required to use their reasonable professional judgement on the best way to address a case of alleged harassment, with the steps taken depending upon the circumstances of each individual case. We will keep a detailed record of action taken – the type of action is likely to include:

- interviewing the alleged perpetrator (if appropriate).
- interviewing neighbours.
- seeking information from the Police, Social Work or any other agency likely to have information.
- interviewing others who have witnessed the harassment; or
- photographic evidence (of offensive graffiti, for example).

2.2.7 If we are satisfied that alleged harassment has taken place, we will consider the following factors in determining the most reasonable way to proceed:

- nature of the allegation/s.
- seriousness of the allegation/s.
- level of evidence available to support the allegation/s.
- degree of risk faced by the alleged victim if the harassment is to continue.
- wishes of the alleged victim; and
- likely effectiveness of one option versus another.

2.2.8 Potential remedies include:

- mediation.
- legal action for repossession as a result of a breach of the tenancy conditions on the part of the perpetrator.
- application for an interim Anti-Social Behaviour Order (ASBO), an ASBO or a closure order where there is persistent anti-social behaviour / harassment; and
- management transfer (either within Clyde Valley's stock or via a reciprocal arrangement with another landlord)

2.2.9 In addition to the above, where there is a suggestion that the perpetrator may have committed a criminal offence – for example under the Race Relations Act 1976 – we will assist the victim in taking the case to the Police or another organisation that may be better placed to offer advice.

2.3 Enforcing the tenancy agreement

2.3.1 If our intervention actions have failed to resolve the situation, we will take appropriate legal action as the next step.

We will take action to ensure residents are aware of their responsibilities including:

- making new residents aware of their responsibilities to behave in an acceptable manner at the point of sign-up, with the terms of their tenancy clearly explained. All new residents will be required to sign a 'Good Neighbour Agreement'; and
- providing a summary of our Anti-Social Behaviour Policy in our Tenants Handbook and through our website.

2.3.2 We will take prompt action against tenants who breach their tenancy agreement. This action will initially be a warning letter or an interview with the tenant to discuss the issues. In the event of the tenant continuing to breach the agreement, the action will become more serious and may lead to legal action such as an Anti-Social Behaviour Order (ASBO) or a Notice of Proceedings that could ultimately lead to eviction. Our Anti-Social Behaviour procedures contain full details of how we deal with breaches of the tenancy agreement in terms of anti-social behaviour.

2.3.3 We will explore all initiatives promoted by the Police, the local authority and other agencies to assist us in tackling anti-social behaviour issues. Such initiatives include mediation services, professional witnesses, Anti-social Behaviour Contracts (ABCs), etc. We may utilise Good Neighbour Agreements where we consider it appropriate to do so.

2.3.4 From 1 May 2019, a number of new provisions which were introduced in the Housing (Scotland) Act 2014 to complement the existing measures available to landlords to address antisocial behaviour. These include.

- a new short Scottish secure tenancy for antisocial behaviour.
- a power for landlords to extend the term of some short Scottish secure tenancies by 6 months, including those related to previous antisocial behaviour, where housing support services are being provided and
- a new streamlined eviction process where there has been a recent criminal conviction punishable by imprisonment for tenancy related antisocial or criminal behaviour within the previous 12 months

Clyde Valley Housing Association

Anti-Social Behaviour Policy– Key Performance Indicators

Key Performance Indicators	Target
Percentage of lettable houses that become vacant annually (OP8)	5.8%
Percentage of new tenancy settling in visits completed within 8 weeks of tenancy start (OP8)	95%
Percentage of new tenancies sustained for more than a year (OP10)	94%
Number of abandoned properties annually (OP12)	16
Percentage of court actions initiated which resulted in eviction (OP13)	11%
Percentage of anti-social behaviour cases reported in the last year which were resolved within locally agreed target (OP21)	95%

Anti-Social Behaviour – Service Standards

Priority 1

Serious anti-social behaviour will not be tolerated at any level. Where there is evidence that the household is at risk of serious assault or in danger, or there is persistent, substantial harassment and the victim is considered vulnerable, the case will be determined as a priority 1.

We will take a victim-orientated approach when dealing with such cases and these will be treated as urgent.

Full investigations will commence, and a response to the victim, will be undertaken within one working day.

Examples include:

- actual violence or threats of violence (including domestic violence).
- racial or any other form of harassment (including racist graffiti); and
- confirmed Class A drug dealing

Priority 2

Where there is evidence of anti-social behaviour, but the victim is considered not to be at risk.

This will require an initial response, which may be an acknowledgement depending upon the severity of the issue, to the complainant, by the end of the next working day.

Full investigations will be commenced within three working days of the report and complaint resolved within 10 working days

Examples include:

- drug-dealing, unless the complainant is considered to be at risk, or it is confirmed that Class A drugs are involved.
- drug-use, unless the complainant is considered to be at risk.
- nuisance from animals.
- vandalism and graffiti (unless racist or offensive).
- regular loud noise including loud music, shouting and swearing, noise from televisions and radios, or vehicular noise during unsociable hours (after 11pm and before 7am).
- unroadworthy / abandoned vehicles.
- litter / rubbish; and
- public disorder

Priority 3

Incidents which may be causing a nuisance, but which are not considered to be serious anti-social behaviour and do not present a risk.

These will be recorded, and advice will be given, the initial response will be undertaken within 15 working days

Examples include:

- household noise.
- isolated incidents of loud music during the daytime.
- potential one-off incidents such as a party or DIY work.
- children playing or youths socialising / playing ball games.
- parking issues.
- clashes of lifestyle (including disturbance to shift workers); and
- minor disputes between individual neighbours where there is no independent evidence