



Anti Social Behaviour Policy

Policy Ref: HMP06

Prepared By	Operations Director
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Reviewed By	PHA Board

1. Introduction

- 1.1.** We believe all residents should live in a clean and safe building and be able to enjoy living in peace with their neighbours. This policy sets out what we will do to help prevent antisocial and nuisance behaviour and how we will deal with complaints.
- 1.2.** Our tenants, through the conditions set out in their Scottish Secure Tenancy know that they are responsible for their own actions and for the actions of their family, friends and visitors to their house. They are aware they should do nothing that causes a nuisance or annoyance to their neighbours and if they do we will take action on complaints made against them.
- 1.3.** We aim to deliver a quality service which makes sure tenants' rights and responsibilities are upheld. We will do everything we can to assist tenants to stay in their home and carry out evictions only where all other options to save the tenancy have failed.
- 1.4.** We will not become involved in disputes which are not related to tenancy conditions and we cannot take action against people who are not our tenants. We will, however, offer advice and assistance to anyone who, is experiencing difficulty with another resident, living in one of the buildings that Partick Housing Association (PHA) manages. We will further refer those parties to support agencies that can be of assistance.

2. Definition of Antisocial/ Nuisance Behaviour

- 2.1.** Antisocial behaviour is a complex issue. Often what feels like a nuisance to some can have a very negative impact on others. The general range and scope of antisocial behaviour can range from relatively minor disputes involving noise and lifestyle clashes to serious and extreme cases including drug dealing and serious harassment. We assess each case individually against the definition outlined in The Antisocial Behaviour (Scotland) Act 2004 which states the following.

A person engages in Antisocial Behaviour if they:

- *Act 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' includes speech and must involve conduct on at least two occasions).*

- 2.2.** 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:

- domestic abuse;
- drug dealing;
- harassment;
- racism;
- sectarianism;
- violence or threat of violence;
- people gathering and causing a disturbance;

- noise;
- failing to control pets;
- failing to maintain the garden to an acceptable standard;
- failing to keep the communal areas clean and tidy, (i.e. stairs, closes, back courts, bin areas etc.);
- failing to comply with instructions on the storage of rubbish / recycling goods and the storage and collection of rubbish / recycling bins; and
- any other anti social behaviour that Partick Housing Association reasonably defines as being unacceptable.

3. Objectives

3.1. This policy aims to help support the following objectives:

- being efficient and proactive in fulfilling our legal obligations as a landlord;
- engaging personally with our customers, colleagues and others within the communities that we serve, working together, being visible, available and out-and-about, communicating face-to-face where we can;
- 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 complex disputes which cannot be resolved independently through mediation and victim support;
- ensuring good, effective communication links between the Association and tenants, ensuring that they are kept regularly up to date on the status of their complaint;
- investing in staff resources and training to ensure they are appropriately trained to deal with issues that arise;
- monitoring and reviewing the categorisation of incidents of anti social behaviour, identifying trends and intervening as appropriate; and
- report performance on the management of anti-social behaviour to the PHA Board on a quarterly basis, advising on the number anti-social cases reported and the number of cases resolved within our published target time scale.

4. Antisocial Behaviour and Harassment

4.1. Tenants are entitled to live in their home free from fear and disruption from others. The Housing Officer will respond promptly to all complaints about breaches of tenancy conditions involving disruptive behaviour and harassment. We will take a firm but fair approach.

4.2. We will take a strategic approach to the management of Antisocial Behaviour; where appropriate we will contribute to, and take part in, partnership and multi-agency working to prevent, antisocial behaviour within our communities.

- 4.3.** We aim to resolve complaints about customer behaviour as quickly as possible. The Housing Officer will try to resolve them at an early stage to avoid them escalating into more serious problems. We will be positive and supportive in our approach and customers will be treated with courtesy, respect and fairness.
- 4.4.** 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.

Our Person-Centred Approach

- 4.5.** The Housing Officer 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 other 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 local authority.
- 4.6** As part of our investigations, and with the agreement of complainants, the Housing Officer 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 they may issue complainants with a diary so that they can note any incidents of anti-social behaviour.

- 4.7** We will consider the action that best delivers a proportionate and flexible response to the anti-social behaviour reported. The Housing Officer will seek to resolve cases of anti-social behaviour informally, but where there is persistent anti-social behaviour they will explore other avenues, such as:
- the Health & Social Care Partnership;
 - mediation service;
 - Police (usually for corroboration of, for example, excessive noise);
 - the Council's Anti Social Behaviour Team; and
 - Legal and other remedies (including Interim Interdict; Anti-Social Behaviour Order; and legal proceedings to recover the tenancy).
- 4.8** 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 – the Housing Officer 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 – the Housing Officer 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.

Our Partnership Approach

- 4.9** 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 Anti-social behaviour (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 e.g. Mediation Service and the Community Noise Team; and
 - holding perpetrators accountable for their actions and ensuring that the full range of civil and criminal remedies are considered.

Advice and Support

4.10 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;
- continuing to liaise with agencies supporting a perpetrator to ensure that there is an ongoing 'joined-up' approach; and
- ensuring any action taken against a perpetrator is necessary and proportionate.

5 Harassment

5.1 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.

5.2 '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.

5.3 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 feels ill at ease or harassed.

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

- 5.5** 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. The Housing Officer 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, the Health & Social Care Partnership or any other agency likely to have information;
 - interviewing others who have witnessed the harassment; or
 - photographic evidence (e.g. offensive graffiti).
- 5.6** If we are satisfied that alleged harassment has taken place, the Housing Officer and Housing Services Manager 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.
- 5.7** Potential remedies include:
- the Health & Social Care Partnership;
 - mediation service;
 - Police (usually for corroboration of, for example, excessive noise);
 - the Council's Anti Social Behaviour Team; and
 - Legal and other remedies (including Interim Interdict; Anti-Social Behaviour Order; and legal proceedings to recover the tenancy).
- 5.8** In addition to the above, where there is a suggestion that the perpetrator may have committed a criminal offence – for example under the Equality Act 2010 – the Housing Officer will assist the victim in taking the case to the Police or another organisation that may be better placed to offer advice.

6 Enforcing the Tenancy Agreement

- 6.1** The Housing Officer 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; and
 - providing a summary of our Anti Social Behaviour Policy in our Tenancy Handbook and through our website.

- 6.2** We will take prompt action against tenants who breach their tenancy agreement. The Housing Officer will initially issue a warning letter or undertake an interview with the tenant to discuss the issues. In the event of the tenant continuing to breach the agreement, the case will be escalated to the Housing Services Manager and in certain circumstances the Operations Director. In these cases our action will be more serious and may lead to legal action such as an Antisocial Behaviour Order (ASBO) or a Notice of Proceedings that could ultimately lead to eviction. Other alternative action which could be taken where serious anti-social behaviours has occurred, is to convert the tenant's Scottish Secure Tenancy (SST) agreement to a Short Scottish Secure Tenancy (SSST) agreement. Alternatively, in certain cases where there has been an offence punishable by imprisonment, a Streamlined Eviction maybe pursued. Action of this nature, which potentially can terminate the tenancy or change the tenancy agreement in use, will be considered and approved by the Operations Director or Chief Executive. Our Antisocial Behaviour procedures contain full details of how we deal with breaches of the tenancy agreement in terms of antisocial behaviour.
- 6.3** There are a number of non-legal remedies available for the Association to use to help affect a change in behaviour from tenants who are failing to adhere to the terms of their tenancy, this includes:
- Acceptable Behaviour Contracts;
 - Written Warnings;
 - Mediation; and;
 - Parenting Orders.

7 Service Standards

- 7.1** We will:
- investigate and respond to the victim, within one working day of receiving a Category A complaint;
 - investigate and respond to the victim, within three working days of receiving a Category B complaint;
 - investigate and respond to the victim, within five working days of receiving a Category C complaint;
 - provide antisocial behaviour information packs to residents who make a complaint;
 - maintain ongoing contact with the complainant to ensure they are kept aware of the progress and outcome of their complaint;
 - ensure accurate and detailed records are kept which will support further actions as detailed:
 - the Health & Social Care Partnership;
 - mediation service;
 - Police (usually for corroboration of, for example, excessive noise);
 - the Council's Anti Social Behaviour Team;
 - legal and other remedies (including Interim Interdict; Anti-Social Behaviour Order; and legal proceedings to recover the tenancy); and

- start eviction proceedings only where all attempts to resolve the problem have failed.

8 Complaints about our Service

- 8.1** Anyone can complain if they feel we did not meet our service standards. The complaints process is outlined in our Comments, Compliments & Complaints Policy which can be downloaded from our website at www.partickha.org.uk

9 Equalities

- 9.1** Our Anti Social Behaviour Policy complies with PHA's Equality Policy to ensure equality of treatment for all service users without discrimination or prejudice.

10 Data Protection and Confidentiality

- 10.1** We will view all anti social behaviour or harassment complaints confidentially and impartially. Complaints should generally be made in writing, otherwise it may be difficult for the Association to pursue them, but there may be circumstances where it is appropriate for us to respond to verbal complaints.
- 10.2** PHA recognises that confidentiality is important to service users and will treat their information in the strictest confidence in terms of the General Data Protection Regulation (GDPR) and our Data Protection Policy.
- 10.3** PHA will treat all estate management complaints in a confidential manner. Where data sharing is required, e.g. with Police, protocols will be in place with the external agencies that we work with.

11 Alternative Formats

- 11.1** On request, the Association will provide translations of all documents, policies and procedures in various languages and other formats such as CD, large print, Braille etc. These can be obtained by contacting the Association's offices during working hours.

12 Policy Review

- 12.1** The policy will be subject to a full review on a three-yearly basis. However it will be amended as necessary to reflect relevant changes in legislation, guidance and/or recognised good practice.

Anti Social Behaviour Policy

Complaint Categories

We will respond appropriately depending upon the nature of the complaint and categorise complaints as follows:

- **Category A** – Very serious complaints which, if proven, will result in eviction proceedings being commenced. This category includes concern of drug dealing; criminal behaviour involving threats of violence towards any member of the public, including members of staff or contractors; house breaking, assault, criminal threats, serious harassment, racial harassment; and serious damage to property including fire raising.
- **Category B** – Serious complaints which may result in the commencement of eviction proceedings. This category includes complaints which concern allegations of aggressive or abusive behaviour; frequent disturbances; vandalism, drug/ solvent/ alcohol abuse; verbal and/ or written harassment; and frequent and persistent noise.
- **Category C** – Nuisance complaints which are unlikely to result in eviction proceedings (unless they develop into Category B complaints). These include boundary disputes; untidy gardens; children causing a disturbance; noisy parties; and lifestyle clashes.