



# REIDVALE HOUSING ASSOCIATION

## Anti-Social Behaviour Policy

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Author	

## POLICY SUMMARY

<b>Purpose:</b>	To set out Reidvale Housing Association's approach to tackling neighbour disputes and reports of anti-social behaviour.
<b>Guidance:</b>	Statutory Guidance The Scottish Social Housing Charter Requirements of the Scottish Housing Regulator
<b>Regulatory Compliance</b>	<p><b>Standard 1:</b> The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.</p> <p><b>Standard 2:</b> The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.</p> <p><b>Standard 3:</b> The RSL manages its resources to ensure its financial well-being, while maintaining rents at a level that tenants can afford to pay.</p> <p><b>Standard 4:</b> The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.</p>
<b>Financial Impact</b>	Medium
<b>Risk Assessment</b>	Low
<b>Date Reviewed:</b>	November 2020
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## **1. INTRODUCTION**

- 1.1 This policy aims to clearly outline Reidvale Housing Association's approach to tackling neighbour disputes and reports of anti-social behaviour. The Association fully recognises the detrimental effect that anti-social behaviour can have on residents.
- 1.2 In view of this, the Association believes that taking appropriate action in dealing with anti-social behaviour is vital in its efforts to achieve its objective of creating and maintaining a stable balanced community where people feel safe and secure.
- 1.3 The Association strives to minimise anti-social behaviour and will always try to assist where practical. However, residents must be made aware that the Association can only act where there is clearly wrongdoing and where corroboration (proof) exists. Residents, equally, must take responsibility by reporting any anti-social behaviour to the Police, where appropriate, in addition to advising the Association of the alleged anti-social behaviour.

## **2. REGULATORY AND GOOD PRACTICE REQUIREMENTS**

- 2.1 This policy has been written using best practice guidance and aims to comply fully with these and the requirements of legislation.
- 2.2 This policy reflects the Association's commitment to fully comply with Outcome 6 of the Scottish Social Housing Charter which states that, "Social landlords, working in partnership with other agencies, help to ensure that tenants and other customers live in well maintained neighbourhoods where they feel safe".
- 2.3 With regard to statutory requirements the Association has taken into account the following legislation:
  - Housing (Scotland) Act 2001
  - Anti-Social Behaviour (Scotland) Act 2004
  - Equality Act 2010
  - Housing (Scotland) Act 2010
  - Housing (Scotland) Act 2014
  - Data Protection Act 2018
  - General Data Protection Regulation (EU) 2016/679 ("the GDPR")

### **3. POLICY OBJECTIVES**

- 3.1 The Association believes that all tenants have a right to live peacefully in their homes and, as such, take very seriously the issue of anti-social behaviour which adversely affects that right.
- 3.2 Through efficient and effective implementation of this policy the Association aims to:
- Make every attempt, within its resources, to enable all Reidvale residents to live without undue disturbance or disruption from others.
  - Respond appropriately to all complaints concerning anti-social behaviour – in line with agreed standards, targets and good practice
  - Ensure that early action is taken in response to all complaints.
  - Listen sympathetically to all complainants and not pre-judge or make assumptions.
  - Advise tenants of the actions they can take in response to the anti-social behaviour.
  - Record all complaints and action taken in a clear and consistent manner.
  - Investigate and evaluate cases to assess the most appropriate action required.
  - Support the victims of anti-social behaviour, particularly where they are at risk of reprisals and are required to give evidence in court.
  - Ensure that other relevant agencies such as Glasgow Community Relation Service, the Police, Health and Social Care Partnership and Environmental Services play a full role in resolving behaviour or taking action, particularly where it is more appropriate for them to do so.

### **4. DEFINITION OF ANTI-SOCIAL BEHAVIOUR**

- 4.1 Section 143 of the Anti-Social Behaviour etc. (Scotland) Act 2004 states:

“a person (‘A’) engages in anti-social behaviour if ‘A’ –

- (a) Acts in a manner that causes or is likely to cause alarm 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 as ‘A’.

(‘Conduct’ includes speech; and a course of conduct must involve conduct on at least two occasions. Anti-social behaviour will include conduct which is criminal, even if the conduct did not result in charges being brought against an individual. It will include a wide range of criminal conduct and is limited only by the likelihood or the actual causing of alarm or distress to a member of a household other than that of the perpetrator).

## 5. PREVENTION OF ANTI-SOCIAL BEHAVIOUR

5.1 Reidvale Housing Association will seek to prevent, as far as is possible, cases of anti-social behaviour and neighbour disputes. Such preventative measures will include:

- Considering measures to reduce noise nuisance in improvement contracts.
- Considering measures to increase overall security.
- Ensuring that the tenancy agreement includes explicit statements on anti-social behaviour.
- Ensuring that all new tenants are fully informed about the obligations of both landlord and tenant. In addition, tenants are given a Tenant's Handbook which gives further detailed information about their tenancy, what is expected of them and what they can expect from their neighbours. Regular information concerning anti-social behaviour is also contained within the Tenants' Newsletter which is delivered to all homes within Reidvale.
- The Association is conscious that written information is not always the most effective way of getting a message across. In view of this great emphasis is placed on the value of the missive signing process as an opportunity for the housing officer to ensure that the tenant is clear about his/her responsibilities.
- Carrying out "settling in" visits once the tenant has moved into the property provides the housing officer/assistant with an opportunity to identify and deal with any problems being experienced.
- The Association recognises the part played by insensitive or inappropriate allocations of housing in potentially contributing to neighbour disputes e.g. we will seek to avoid too many large families within a close.
- Not considering external applicants for housing for a period of time where there is clear evidence of anti-social behaviour by them or a member of their household (see Section 4.2 of our Allocations Policy).
- Not considering existing tenants for rehousing within Reidvale for a period of time where there is clear evidence of anti-social behaviour (see Section 2.4 of our Transfer Policy).
- Adopting clear procedures for routine estate management such as close inspections to ensure that tenants and the Association undertake the estate management duties for which they are responsible.
- Working in partnership with other organisations to minimise the possibility of conflicts arising from poor service delivery or lack of support.
- Establishing close liaison with local police and CCTV operators and co-operate in practical ways to combat crime and anti-social behaviour.

## 6. POLICY IN CONTEXT

- 6.1 The Anti-Social Behaviour etc. (Scotland) Act 2004 is tenure neutral and sets out the main powers of enforcement available to housing associations and others in tackling anti-social behaviour (notwithstanding those available as a result of a breach of tenancy).
- 6.2 The Act extends the powers of Anti-Social Behaviour Orders (ASBOs) and introduced other penalties such as Parenting Orders; Power to refer to the children's hearing system, Seizure of vehicles and equipment, fixed penalty notices and fines. The Act also includes noise control provisions and other environmental concerns such as fly tipping, litter, graffiti, etc.
- 6.3 The Housing (Scotland) Act 2014 extended the ability of landlords to use Short Scottish Secure Tenancy Agreements in cases of anti-social behaviour. The Act also aims to simplify the eviction process in cases involving anti-social behaviour by allowing social landlords to make use of an existing conviction as grounds for possession.

## 7. METHODS OF DEALING WITH ANTI-SOCIAL BEHAVIOUR

- 7.1 The Association will use a range of measures available such as Acceptable Behaviour Contracts (ABCs), Unacceptable Behaviour Notices (UBNs), Anti-Social Behaviour Orders (ASBOs) and in appropriate circumstances, eviction action as a result of the breach of the tenancy conditions in dealing with anti-social behaviour. Action may also be taken against residents (non-tenants) regardless of tenure and children where applicable.

### 7.2 **Acceptable Behaviour Contracts**

An Acceptable Behaviour Contract (ABC) whilst having no weight in law, is an important tool which can be used prior to any consideration of legal action or remedy. The ABC forms the basic contract by which the person(s) subject to the contract is/are willing to alter his/her/their behaviour and if breached the ABC will be taken into consideration when looking at other non-legal or legal measures.

### 7.3 **Unacceptable Behaviour Notices**

An Unacceptable Behaviour Notice (UBN) is a document that is served on individuals, which recognises that they are not willing to engage with the Association to complete an ABC. The Notice, which lists the nature of the anti-social behaviour and highlights the consequences should the behaviour continue, is signed by the Association, Glasgow Community Relation Service and the Police and can be used as evidence in Court if it is decided that further action is to be taken.

#### **7.4 Anti-Social Behaviour Orders**

Sheriffs can now grant an ASBO or interim ASBO against an individual aged 12 or over who is repeatedly involved in anti-social behaviour and where existing options are not working. Interim ASBOs can be made before the full evidence is heard if there is a pressing need to protect people.

#### **7.5 Tenancy Agreement**

The principal legal tool for any action against a tenant of the Association is contained within the terms of the Scottish Secure Tenancy Agreement as they relate to the Grounds for Recovery of Possession as set out in Schedule 2, Part 1 of the Housing (Scotland) Act 2001.

#### **7.6 Information Sharing**

The Anti-Social Behaviour etc. (Scotland) Act 2004 contains provisions relating to applications for interim and full ASBOs by the local authority or the Association. The Anti-Social Behaviour etc. (Scotland) Act 2004 provides for the disclosure of information between the Police, local authority and RSLs in relation to anti-social behaviour. The Association has signed up to an Information Sharing Protocol agreement between Glasgow City Council, Police Scotland and Reidvale Housing Association. The disclosure of specific information will be used to tackle the nuisance of anti-social behaviour.

#### **7.7 Liaison With Other Agencies**

The Association will work closely with all statutory agencies in dealing with matters relating to either anti-social behaviour or harassment. The statutory agencies have powers not available to the Association e.g. in relation to noise, Glasgow City Council Environmental Protection Service, who have powers to prosecute for the imposition of a fixed penalty notice i.e. £100, the stereo or 'noise making equipment' can be seized etc. The same powers are conferred upon the Police.

### **8. CLASSIFICATION OF ANTI-SOCIAL BEHAVIOUR**

- 8.1 Upon receipt of a complaint the Association will record the details in the Complaints Module on our computer system. In order to make best use of resources and deal effectively with the matter of concern the Association will categorise each complaint received according to the criteria listed below:

#### **Category A – VERY SERIOUS COMPLAINTS**

Complaints concerning allegations of drug dealing, criminal behaviour involving threats of violence towards any member of the public, including members of staff, housebreaking, assault, criminal threats, serious

harassment, racial harassment and serious damage to property, including fire raising.

### **Category B – SERIOUS COMPLAINTS**

Complaints which concern allegations of aggressive/abusive behaviour, frequent disturbances, vandalism, drug/solvent/alcohol abuse, verbal/written harassment and frequent and persistent noise.

### **Category C – NUISANCE COMPLAINTS**

Boundary disputes, untidy gardens, children causing a disturbance, noisy party.

The above list is not intended to be exhaustive.

## **8.2 Targets**

Resolution targets will be set and reviewed by the Association on an annual basis, taking full cognisance of the requirements of the Scottish Social Housing Charter and the Annual Return on the Charter (ARC).

Targets will be reviewed by the Association as part of its annual overview of anti-social behaviour and will involve consultation with residents and other stakeholders. Any changes to targets will be incorporated into the Association's detailed procedure note for staff implementing this policy.

## **9. PARTNERSHIP WITH GLASGOW COMMUNITY RELATIONS SERVICES GLASGOW (CRS)**

The Association has worked in partnership with Glasgow Community Relations Services (CRS) since 1<sup>st</sup> April 2008 to tackle anti-social behaviour within our community. CRS are a specialist team of anti-social behaviour investigators. This partnership enables the Association to deliver better outcomes to resolve complaints of anti-social behaviour and importantly better outcomes if and when a case may go to court.

RHA upgraded the service level agreement with CRS from Gold to Platinum level from 1<sup>st</sup> April 2014. Under the terms of the Platinum Service CRS undertake to investigate all complaints of anti-social behaviour received by the Association apart from minor nuisance cases.

Regular liaison meetings are held with CRS to monitor progress on all cases being investigated to ensure that matters are resolved with minimum delay.

In addition to investigation work CRS also provides:

- Advice, assistance and guidance
- Home visits
- Liaison with Police
- Preparation of ASBO's
- Surveillance
- Professional witness service
- Legal services

## **10. PROCEDURES IN DEALING WITH ANTI-SOCIAL COMPLAINTS**

- 10.1 Complaints should be made either in person or in writing as soon as possible to his/her Housing Officer/Assistant. Tenants will be urged (but not compelled) to complete a 'Neighbour Nuisance Complaint Form' and to record incidents in 'Diary Sheets'.
- 10.2 The Association and CRS will make every attempt to act on each complaint made, however, the Association may not take any or further action where the complaint is anonymous and/or there is no corroboration from a reliable or impartial source.
- 10.3 All complaints will be treated in strict confidence and will be dealt with in accordance with our anti-social behaviour procedures. These procedures provide written guidance for all staff involved in handling/investigating complaints of anti-social behaviour which are intended to ensure that there is good practice and consistency of approach to the principles contained within this policy. Where the complainant has contacted the police regarding an incident the Association will obtain the relevant information from Police Scotland.
- 10.4 The Association will provide staff with appropriate guidance and training to attempt to resolve neighbour disputes or anti-social behaviour through a variety of methods. Our responses, in conjunction with Glasgow Community Relations Services as appropriate, may include one or more of the following:

### **Interview/Visit**

Both parties will be interviewed by a member of staff from either the Association or CRS as appropriate. Corroboration may be sought from neighbours.

## **Mediation**

In appropriate circumstances and where all parties are willing, the Association will facilitate the involvement of an Independent Mediator e.g. Glasgow Community Services Mediation service.

## **Close Meeting**

The Association or residents can call a close meeting in order to discuss complaints affecting more than one person. Representatives from outside agencies may be in attendance at the request of either party.

## **Warning letter**

Can be issued if the complaint is new or recurring but only if the complaint falls within categories C or B as more serious action will be required in the case of category A complaints.

## **Covert Camera**

In instances where all other avenues have been exhausted, the Association will consider the use of a covert camera.

## **CCTV Images**

In appropriate circumstances the Association will engage with external agencies i.e. CRS to assist in identifying known problem areas/individuals. The Association has signed up to a working Protocol arrangement with CRS to enable images of persons to be produced for evidential purposes.

## **Legal Action**

As a social landlord, Reidvale Housing Association views eviction action as an option of last resort and as such legal action will only be considered after all other options have been exhausted.

## **Interim Interdict**

The Association may apply to the court for an Interim Interdict to be served against tenants in breach of their tenancy conditions (e.g.) excessive noise level.

## **Anti-Social Behaviour Orders**

The Association may apply to the court for an Anti-social Behaviour Order (ASBO).

Due to the resource implications of investigating medium to serious anti-social cases, the Association has entered into a contractual arrangement with Glasgow Community Services and in conjunction with the Police, who will investigate and seek to prosecute any case for which either an Interim Anti-social Behaviour Order or full Anti-social Behaviour Order would be appropriate.

A CRASBO is a "criminally related" ASBO. The difference between a CRASBO and an ASBO is that a CRASBO is made on the back of criminal conviction.

The individual subject of the CRASBO will have a set of prohibitions unique to the case to prevent anti-social behaviour re-occurring and protect the Community from such acts. This could ban the individual from any of the following:

- Committing any anti-social or criminal acts
- Associating with certain friends/ acquaintances
- Entering defined areas in the community
- Entering certain buildings, shopping areas etc.
- Leaving home after a certain time in the evening – curfew

### **Tenancy Conversion – Short Scottish Secure Tenancy**

The Housing (Scotland) Act 2014 gives social landlords the power to convert an existing tenant's Scottish Secure Tenancy (SST) to a Short Scottish Secure Tenancy (Short SST) or to grant a Short SST to new tenants in cases where there is evidence that the tenant, a member of their household or a visitor has been involved in anti-social behaviour in or near their home within the last three years. This extends existing powers for the issue of a Short SST for anti-social behaviour which require the tenant to have been evicted for anti-social behaviour or subject to an ASBO within the last 3 years.

The length of a Short SST in cases involving anti-social behaviour will be a minimum of 12 months, with the Association able to request a further six month extension if anti-social behaviour issues persist.

When issuing a Short SST for anti-social behaviour, the Association will clearly state the reasons for the decision and the tenant will have the right of appeal. During the initial 12 month Short SST the Association must provide, or ensure the provision of housing support services which are deemed appropriate. If the Short SST is extended, support must be provided.

If anti-social behaviour persists or the tenant is in breach of their tenancy conditions the Association will seek recovery of the home through legal recovery proceedings.

## **Notice of Proceedings for Recovery of Possession/Eviction Proceedings**

The Association recognises that pursuing eviction action is a measure of last resort when all other options have failed to resolve anti-social behaviour. For a Decree to be awarded to allow the Association to evict a tenant, the crucial legal issue is one of reasonableness. This means that a Sheriff, in deciding whether to evict, must have regard for the following:

- The nature, frequency and duration of the conduct leading to the eviction proceedings;
- how far the tenant was personally responsible for the conduct leading to the eviction proceedings or whether it was the consequence of acts or omissions by others;
- the effect of the conduct on others, for example, whether there are serious adverse consequences for other local residents; and,
- whether the Association has considered and, if appropriate, tried other courses of action to stop the conduct before opting for eviction.

Section 14 of the Housing (Scotland) Act 2014, however, removes the 'reasonableness' test in actions for recovery of possession raised on the grounds that the tenant has been convicted of using the house for immoral or illegal purposes or an offence punishable by imprisonment committed in, or in the locality of, the house within the past year, which may include breach of the ASBO or drugs offences.

The Association welcomes this aspect of the legislation and is fully committed to using these clauses in the interests of the safety and well-being of our residents.

## **11. THE ROLE OF OTHERS IN DEALING WITH ANTI-SOCIAL BEHAVIOUR**

11.1 As a landlord Reidvale Housing Association has limited powers in dealing with anti-social issues and as such relies on assistance from others such as Police, Glasgow Community Services (CRS), Glasgow City Council Environmental Protection Service, Glasgow City Council Health and Social Care Partnership Services, Reporter to the Children's Panel etc. in seeking to resolve complaints or amend behaviour.

### **11.2 Residents of Reidvale Housing Association**

Residents are urged to take immediate action. Where the complaint involves noise nuisance or disturbance residents should contact the police either during or immediately after the alleged incident.

Whenever possible residents are urged to have a witness. In the event that incidents cannot be corroborated it is unlikely that the Association will be able to pursue the complaint.

In the event that continuous personal complaints are received between two individuals, the Association may consider charging for staff time.

### **11.3 Police**

The Association strives to maintain good communication links with the local police office. Police have powers that the Association do not. It is therefore crucial when an anti-social incident occurs, which may be of a criminal nature, the police are involved at the earliest opportunity.

### **11.4 Health and Social Care Partnership Service**

The Association will work closely with the Health and Social Care Partnership Service in an attempt to assist tenants and residents. In the case of legal action involving children or other vulnerable groups/ individuals, the Health and Social Care Partnership Service will always be contacted.

### **11.5 Environmental Protection Service**

The Association may consult or work together with Glasgow City Council Environmental Protection Service in dealing with anti-social activity including dumping (fly tipping) etc. when necessary.

### **11.6 Support Agencies**

The Association may refer residents or seek advice from appropriate bodies in relation to victim support groups, racial issues, domestic violence, drug/alcohol dependence, etc.

## **12. MONITORING AND REPORTING**

12.1 Details of all complaints of anti-social behaviour will be centrally recorded and used to plan a course of action that is effective and appropriate to both the complainant and his/her particular circumstances.

12.2 This information will be analysed and used to establish trends and patterns to assist in the improvement of service provision.

12.3 Reports are submitted to the Housing Services Sub-Committee on a six monthly basis, which outline the number and type of complaints received by the Association.

12.4 Performance is reported on anti-social behaviour as part of our performance monitoring report, which is presented to the Management Committee on a quarterly basis.

12.5 The Association will monitor its performance in resolving anti-social complaints on an annual basis. As part of the annual overview of anti-social behaviour within Reidvale, a report will be presented to the Housing Services Sub-Committee in May, details will be provided on resolution timescales achieved and this will be monitored against the current resolution target, which will also be reviewed as part of the overall process. The views of residents and other stakeholders will be sought regarding resolution targets.

### **13. EQUALITY AND DIVERSITY**

Reidvale Housing Association is an equal opportunities organisation. We are committed to providing an environment of respect, understanding, encouraging diversity and eliminating discrimination. No person or group of persons applying for housing and housing services will be treated less favourably than any other persons or groups of persons because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation.

### **14. COMPLAINTS**

Although we are committed to providing high levels of service, we accept that there may be occasions where a service user may not be satisfied with the service received from the Association. We value all complaints and use this information to help us improve our service. Any service user, complying with the procedure, but remaining dissatisfied with any aspect of the service they have received have the right to submit a complaint to the Association in accordance with the Complaints Handling Procedure.

### **15. GDPR**

Reidvale Housing Association will treat your personal data in line with our obligations under the current General Data Protection Regulation and our Privacy Policy. Information regarding how your data will be used and the basis for processing your data is provided in our Fair Processing Notice.

### **16. POLICY REVISION**

The Association undertakes to carry out a comprehensive review of all aspects of this policy at least every three years. The review will take account of legislative changes, new policy guidance, best practice advice and the views of service users.