

# Anti-Social Behaviour Policy

|                                                       |                    |              |
|-------------------------------------------------------|--------------------|--------------|
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## Scottish Social Housing Charter Relevant Standard Outcomes

| <b>STANDARD</b>                                     |                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Section:- The customer/landlord relationship</b> |                                                                                                                                                                                                                                                                                                                                                                  |
| 1.                                                  | <p>Equalities</p> <p>Social landlords perform all aspects of their housing services so that:</p> <ul style="list-style-type: none"><li><i>every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.</i></li></ul>                                     |
| 2.                                                  | <p><b>Communication</b></p> <p><b>Social Landlords manage their businesses so that:</b></p> <ul style="list-style-type: none"><li><i>tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.</i></li></ul>              |
| 3                                                   | <p>Participation</p> <p>Social landlords manage their businesses so that:</p> <ul style="list-style-type: none"><li><i>tenants and other customers find it easy to participate in and influence their landlord's decisions at a level they feel comfortable with.</i></li></ul>                                                                                  |
| <b>Section:- Neighbourhood and community</b>        |                                                                                                                                                                                                                                                                                                                                                                  |
| 6                                                   | <p>Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes</p> <p>Social landlords, working in partnership with other agencies, help to ensure as far as reasonably possible that:</p> <ul style="list-style-type: none"><li><i>tenants and other customers live in well-maintained neighbourhoods where they feel safe.</i></li></ul> |

## Scottish Housing Regulator – Relevant Standards of Governance and Financial Management and Guidance

| <b>STANDARD</b> |                                                                                                                                                                                                                                                                                             |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1</b>        | The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.<br><br><b>Relevant Standard 1.3</b>                                                                                                                                          |
| <b>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.<br><br><b>Relevant Standards 2.1 and 2.4</b> |
| <b>4</b>        | The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.<br><br><b>Relevant Standard 4.3</b>                                                                                                         |

# **ANTI-SOCIAL BEHAVIOUR POLICY**

## **CONTENTS**

1. INTRODUCTION
2. LINKS TO OTHER STRATEGIES AND POLICIES
3. AIMS & OBJECTIVES OF THE POLICY
4. WHAT CONSTITUTES ANTI-SOCIAL BEHAVIOUR?
5. DEALING WITH ANTI-SOCIAL BEHAVIOUR
6. PREVENTION, PARTNERSHIP WORKING & ENFORCEMENT
7. SOCIAL MEDIA
8. MONITORING AND REPORTING
9. GENERAL DATA PROTECTION REGULATION
10. REVIEW OF POLICY

## **ANTI-SOCIAL BEHAVIOUR POLICY**

### **1. INTRODUCTION**

- 1.1 Lochalsh and Skye Housing Association (LSHA) offer tenancies across Skye and Lochalsh to people in accordance with the Highland Housing Register Allocations Policy. We house people with many different housing and social needs. We ask our tenants and sharing owners to show consideration and tolerance to their neighbours, and act responsibly within that community. This Policy applies where LSHA tenants and sharing owners or members of their family or visitors to their households are behaving anti-socially.
- 1.2 The primary aims of this Policy are to set out how LSHA will deal with complaints of Anti-Social Behaviour (ASB) and to detail the responsibility of LSHA, our tenants and sharing owners. The Policy also details the limitations LSHA has, and the limitations of working within the confines of the law.

### **2. LINKS TO OTHER STRATEGIES AND POLICIES**

Our Anti-social Behaviour Policy is particularly, but not exclusively, linked to the following strategies and policies:-

- Highland Housing Register (HHR) Housing Allocations Policy
- Estate Management Policy
- CCTV Policy
- Tenancy Sustainment Strategy and Action Plan
- Child Protection and Vulnerable Adult Policy and Procedure
- Domestic Abuse Policy and Procedures

### **3. AIMS AND OBJECTIVES OF THE POLICY**

The principal aim of the Policy is to comply with housing legislation (as listed below), regulatory advice and good practice.

- Housing (Scotland) Act 2014
- Housing (Scotland) Act 2010
- Antisocial Behaviour etc (Scotland) Act 2004
- Housing (Scotland) Act 2001
- Equality Act 2010
- Data Protection Act 2018 and General Data Protection Regulation
- Human Rights Act 1998
- Protection from Harassment Act 1997 – defines harassment

The Objectives are to:

- Ensure tenants and sharing owners understand and fulfil their obligations in relation to the Tenancy Agreement and Occupancy Agreement.
- Work with tenants, sharing owners and communities to prevent ASB happening in the first place.
- Respond to complaints in an effective, sensitive, and consistent manner by undertaking thorough investigations, ensuring accurate record keeping, and keeping complainants informed of progress, where applicable
- Advise tenants and sharing owners of the actions they can take in response to ASB.
- Encourage communication and mediation to tackle problems early and effectively, and to minimise the risk of escalation.
- Ensure that staff are fully trained so they have the appropriate skills to deal with issues that arise.
- Provide support and assistance to the victims, perpetrators and witnesses of ASB working in partnership with specialist agencies, such as Police, Community Mental Health Teams, Am Fasgadh, Womens Aid, GPs and Social Work
- Provide good quality information/communication to promote good relations.
- Monitor and review incidents of ASB, identifying trends and intervening as appropriate.

#### 4. WHAT CONSTITUTES ANTI-SOCIAL BEHAVIOUR?

ASB can be difficult to define. It can involve incidents from minor nuisances, noise and neighbour disputes through to serious violence or intimidation or drug dealing.

The ASB (Scotland) Act 2004 defines ASB as:

“to act in a way that causes or is likely to cause alarm or distress to anyone; or behave in a way that causes or is likely to cause alarm or distress to at least one person not of the same household as them.”

And in the SST, section 3.2 '**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.** The expression 'likely to

cause' means that someone other than a victim of the antisocial behavior can give evidence about whether behaviour is antisocial or not.

## 5. DEALING WITH ANTI-SOCIAL BEHAVIOUR

Although LSHA will encourage neighbours to resolve their own problems as far as is practicable, the Association will treat all cases of ASB seriously. We will respond appropriately to neighbour complaints and incidents and take proportionate action based on the severity of the impact. LSHA will take a preventative approach and work to prevent ASB happening in the first place, with legal sanctions or re-housing as a last resort.

LSHA departments will have different responsibilities for different ASB complaints. and we will work with external agencies where this helps to resolve problems.

We will, however, take firm action against tenants or sharing owners who commit serious breaches or are persistently in breach of tenancy/occupancy conditions.

The initial step on receipt of a complaint is to analyse and categorise it, and ensure an appropriate response, where applicable. Categorised complaint examples are tabulated below (note this is not an exhaustive list).

| <b>CATEGORY A<br/>(Severe)</b>                                                                                                                                                                                                                                                                                                                                                                                                            | <b>CATEGORY B<br/>(Serious)</b>                                                                                                                                           | <b>CATEGORY C<br/>(Less Serious)</b>                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| Murder/Attempted murder<br>Drug dealing<br>Growing drugs<br>Assault<br>Violent conduct to neighbours or staff<br>Threatening or Aggressive behaviour<br>Wilful fire raising<br>Domestic abuse<br>Harassment (including harassment related to any of the nine protected characteristics; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation) | Frequent disturbances<br>Vandalism/ graffiti to property<br>Verbal harassment<br>Persistent loud music<br>Drinking alcohol or substance misuse in communal areas<br>Noise | Fly tipping/Bin issues<br>Pet nuisance<br>Infrequent disturbances |

|                                                                                                                                        |  |  |
|----------------------------------------------------------------------------------------------------------------------------------------|--|--|
| Hoarding/unsatisfactory living conditions<br>Criminal/alleged criminal behaviour<br>Using the property for illegal or immoral purposes |  |  |
|----------------------------------------------------------------------------------------------------------------------------------------|--|--|

Issues such as dog fouling, untidy gardens, cleanliness of common areas, roads and parking issues will be dealt with under our Estate Management Policy and Procedures.

There are incidents and actions which are not considered to be antisocial and may not be investigated. These can be behaviours within different cultures or lifestyles that are not unreasonable (unless have a harmful impact) such as:

- Cooking smells
- DIY during reasonable hours
- Minor or occasional car repairs
- Young people gathering socially
- Someone parking lawfully outside a tenant's home
- Civic disputes between neighbours (such as boundary issues or shared driveways)
- Noise from televisions.
- Clash of lifestyles

**For all categories, complaints must be reported in writing or via email to ensure that staff are fully aware of the detail of each case and how it is affecting you and others.**

Anonymous complaints will be recorded, but it may not be possible to act on such complaints unless it is possible to verify the issues complained about. If a victim or alleged perpetrator of ASB requires an advocate to act on their behalf or help with interpretation then we will make provisions for this to be possible.

### **Harassment and hate crime**

Harassment is unacceptable behaviour that is unwanted, unreciprocated and is regarded as offensive, alarming or distressing by the recipient, whether or not the harasser intended to be offensive:

- violating another's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for another person.

Harassment is generally premeditated, targeted, often unlawful and reoccurring whereas ASB can be unintentional and spontaneous.

Harassment on the grounds of a protected characteristic becomes such if it is perceived that way by the recipient and is often termed a 'Hate Incident'. Any reports of these will be investigated and support provided with the aim of protecting the complainant alongside action to stop or prevent further incidents.

We will not tolerate Hate Crime and will work closely with Police Scotland where this has been identified.

## **6. PREVENTION, PARTNERSHIP WORKING AND ENFORCEMENT**

### **6.1 Prevention**

We will do all we can to minimise the occurrence of potential for ASB by being very clear on the expectations and responsibilities for both LSHA and our tenants/sharing owners. We will:

- Carry out pre-tenancy checks before arranging sign-up of new tenants. If previous records of antisocial behaviour are identified, we will sensitively ask about this experience and try to identify any support needs that could be met in their new community. We will attempt to understand the behaviour and work with others to address the root cause where possible – minimising risk of reoccurrence.
- Advise all new tenants/sharing owners of their responsibilities not to act in an anti-social way through explaining the obligations in a tenancy/occupancy agreement.
- Visit every new tenant soon after their new tenancy commences.
- Undertake regular estate inspections; identify any security or vandalism issues, graffiti, etc.
- Provide a responsive maintenance service which responds quickly to reports of graffiti, fly tipping, damage to property, etc.
- Signpost tenants for appropriate tenancy support and raise awareness of what constitutes ASB, harassment or hate crimes.
- Work with key partners to ensure a joined-up approach to tackling ASB.

### **6.2 Partnership working**

We understand that we cannot tackle ASB effectively if we work in isolation and LSHA recognises that it has limited powers to take action on certain types of ASB or lead on investigations. If the case involves another council or housing association tenant, then the case may be referred to the responsible manager in that organisation's housing department. • If the alleged perpetrator is an owner occupier or a private service user, the case may be referred to a solicitor, the police or local authority ASB team.

In prevention, early intervention and enforcement, it is essential to work with other agencies and providers to develop an effective approach to local problems. The entire Category A complaints listed in 4 above are of a criminal nature, and must be reported to Police Scotland in the first instance. Among others, we work with:

- Police Scotland; Scottish Fire & Rescue Services; Environmental Health, Community Mental Health Teams: GPs, Health & Social Care.
- Mediation Services.
- We may seek advice from The Law Society, Victim Support Scotland and Women's Aid

We are also involved in multi-agency forums which include:

- MARAC
- MAPPA
- Child Protection Conferences
- Ad hoc meetings with other external agencies to discuss individual cases.
- Victim Support Scotland
- Hate Free Highland

#### **6.2.1 Health issues**

It is possible for individuals to display ASB due to health conditions. Where an individual has, or is suspected of having, such a condition, advice will be sought from experts in the area on available support. This will be done in accordance with GDPR legislation and maintain confidentiality for all parties involved.

This does not mean that action will not be taken but the wider circumstances and support being made available should be fully considered. Decisions will be taken on a case-by-case basis in partnership with specialist agencies.

#### **6.3 Enforcement**

We encourage tenants and sharing owners to be tolerant and mindful of neighbours, and encourage them to try and resolve disputes with one another in the first instance. Depending on the circumstances, and the nature of the ASB, the following forms part of our "tool kit".

- Meetings/telephone discussions/email discussions.
- Environmental Health Noise Monitoring Equipment/Noise App
- Verbal/written warnings – Formal recordings will be made of all interactions to ensure evidence is gathered to support any legal action.

- ASB Acceptable Behaviour Contracts and ASB Orders – where appropriate we will work with Police and our tenants help change behaviour or secure an ASBO.
- Interdicts – where appropriate we will liaise with Police and Solicitors.
- Short Scottish Secure Tenancies (SSST) – for new tenants or to convert an existing tenancy to a SSST where an existing tenant, or a member of the household or a person visiting the house, has acted in an anti-social manner within the last 3 years
- Eviction will be used where all other remedies have been considered or failed
- We have a separate procedure for deciding when we will use our powers to use the streamlined eviction procedure on the basis of conviction.

## **7. SOCIAL MEDIA**

Unfortunately, some people use social media for making offensive and/or inappropriate comments.

For general unpleasant or inappropriate posts, in the first instance, tenants will be advised to contact the social media site on which the comments have been made, and ask for their assistance. If they believe they have been libelled to the extent that they wish to take legal action, they will be advised to consult with a solicitor.

## **8. MONITORING AND REPORTING**

LSHA has a duty to complete the Annual Return on the Charter (ARC) to the Scottish Housing Regulator. This provides key information on our performance in resolving ASB complaints. This includes:

- Number of cases reported within the year
- Number of cases resolved within the year
- Number of cases resolved within the locally agreed targets.
- Percentage of ASB cases reported which were resolved within the locally agreed targets.
- Number of conversion to SSST
- Number of evictions where the primary reason was ASB
- Number of streamlined evictions

We have introduced a tenant feedback form and we will provide annual reporting information to the Senior Management Team as well as to our tenants via our newsletter.

## **Closing cases**

Where possible, employees must close the case after discussing the matter with the victim. Where no further incidents are reported for a reasonable period, normally within 28 days from receiving the complaint, the case is closed, and a letter may be issued to the resident explaining the reason why. It must be made clear to the victim that they can come back to us should any further incidents happen, and the case will be looked at again. A case will normally be closed when:

- it has been successfully resolved without using legal action;
- it has been successfully resolved because of issued warning or threatened legal action;
- it has been successfully resolved because of legal action;
- the perpetrator is no longer in the property and moved out of the area; or
- it has been passed to another agency and/or there is no further action that LSHA can take (closed unresolved).

If the victim is not satisfied with the way we have handled their ASB concerns, then the option for this to be addressed through the complaints handling procedure should be explained.

Contact any organisations that were involved in the case are notified that the case has been closed and agree internally if it is appropriate to try and capture satisfaction feedback on how the complaint was handled.

## **Reopening closed cases**

Cases should not be closed until LSHA has completed all the actions in accordance with this policy/procedure and is confident that there is no further action that we can take. If this has been done, then the case should be closed and should not be re-opened.

If further incidents occur after a case has been closed, then a new case should be opened and linked via Homemaster to the original case.

## **9. GENERAL DATA PROTECTION REGULATIONS**

- 9.1 The Association will treat your personal data in line with our obligations under the current data protection regulations and our own policies and procedures.
- 9.2 Information regarding how your data will be used and the basis for processing your data is provided in the Association's Privacy Policy.

10. **REVIEW OF POLICY**

- 10.1 This document will be reviewed by the Board or Sub-Committee set up for that purpose in accordance with the requirements of the Association's Register of Policies and Procedures.
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| SCHEDULE OF REVISIONS |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DATE                  | REVISION No. | DETAILS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 31.10.24              | 2.1          | Regulatory Standards reformatted and summarised.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 31.10.24              | 1            | Point 2 Bullet point "HHR Housing Allocation Policy, CCTB Policy, Child Protection and Vulnerable Adult Policy, Domestic Abuse Police and Procedures"                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 31.10.24              | 1            | Amended at Point 3 Antisocial Behaviour etc (Scotland) Act 2001 changed to 20040                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 31.10.24              | 1            | <p>Added at Point 3 Protection of Harassment Act 1997 – defines harassment.</p> <p>The objectives are to: added Work with tenants, sharing owners and communicate to prevent ASB happening in the first place.</p> <p>Remove the work "quickly" to Respond to complaints, etc.</p> <p>Provide support and assistance to the victims, perpetrators and witnesses of ASB working in partnership with specialist agencies, such as Police, Community Mental Health Teams, Am Fàsghadh, Womens Aid, GPs and Social Work.</p> <p>Provide good quality information/communication to promote good relations.</p> |
| 31.10.24              | 1            | <p>Added at Point 4</p> <p>And in the SST, section 3.2 "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.</p>                                                                                                                                                                                                                                 |
| 31.10.24              | 1            | <p>Rewording at Point 5 and additions and deletions to the tables A, B &amp; C</p> <p>Incidents not considered as antisocial added</p> <p>Hate crime section added along with some information regarding harassment.</p> <p>Section regarding Low Level or non-corroborated complaints removed.</p>                                                                                                                                                                                                                                                                                                       |
| 31.10.24              |              | <p>Point 6.1 Additional details of how we will support tenants and occupants</p> <p>Point 6.1 additional information about who we will work with</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 31.10.24              |              | <p>Point 8 Updated monitoring and reporting in line with ARC</p> <p>Section regarding closing and reopening cases added</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |