

TRAFALGAR HOUSING ASSOCIATION

ANTI SOCIAL BEHAVIOUR POLICY

APPROVED OCTOBER 2019

1. INTRODUCTION

- 1.1 This Policy sets out the Association's approach to the prevention and management of anti-social behaviour, providing a framework for how incidents of anti social behaviour are dealt with by Association staff, often working on a partnership basis with other agencies in endeavouring to address anti social behaviour.
- 1.2 Trafalgar Housing Association is committed to ensuring that its homes and communities are pleasant and secure places in which to live. The Association recognises the rights of its tenants and their neighbours to the peaceful enjoyment of their homes. We expect tenants to respect the values and lifestyles of others within the community and to act reasonably and with consideration and thought for others.
- 1.3 The Association will use all available powers to deal effectively with incidents of anti social behaviour caused by or affecting our tenants.
- 1.4 Where appropriate we will work closely with other agencies, including, but not limited to Police Scotland, West Dunbartonshire Council, and local Fire and Rescue services.

2. AIMS AND OBJECTIVES

- 2.1 This Policy aims to provide a framework for the efficient and effective prevention and management of anti social behaviour, where it impacts on, or is caused by tenants of the Association.
- 2.2 This Policy seeks to provide clarity to tenants and other customers of the Association on how the Association defines anti social behaviour, how it seeks to prevent it and how it seeks to manage such difficulties when they do arise.
- 2.3 This Policy also sets out a framework for the recording of anti social behaviour, with timescales for tackling such behaviour, methods used in addressing such behaviours and outcomes.

2.4 This Policy is also underpinned by a suite of accompanying procedures on which training is provided to staff and Committee members.

3. EQUALITIES

3.1 As part of our commitment to equal opportunities, this policy can be made available in large print or audio tape or translated into another language if required. As required, correspondence, and legal documentation, relating to anti social behaviour will also be provided in formats appropriate to the needs of the tenant, whilst ensuring that they remain legally competent. We also ensure that we meet the equalities requirements of the Scottish Social Housing Charter as set out below.

4.0 LEGISLATION

4.1 Relevant legislation includes:

- The Housing (Scotland) Act 2001 This establishes the regime of Scottish Secure Tenancies, the terms of such Tenancies and the arrangements for repossession of a tenancy
- The Housing (Scotland) Act 2010 This set out the terms of Pre-action Requirements under sections 14 and 14A of the Housing (Scotland) Act ("the 2001 Act") as amended by section 155 of the 2010 Act and Repossession Orders under section 16 of the 2001 Act as amended by Section 153 of the 2010 Act.
- The Housing (Scotland) Act 2014 which changes the way in which a Scottish secure tenancy can be ended following a conviction for serious anti social or criminal behaviour. Section 14 (2) of the 2014 Act means that a court does not have to consider whether it is reasonable to make an order for eviction where the landlord has grounds for recovery of possession under Schedule 2 paragraph 2 of the Housing (Scotland) Act 2001. These grounds are:

That the tenant (or any one of joint tenants), a person residing or lodging in the house with, or subtenant of , the tenant, or a person visiting the house has been convicted of: (a) using the house or allowing it to be used for immoral or illegal purposes, or (b) an offence punishable by imprisonment which was committed in, or in the locality of, the house.

This means that a Scottish secure tenancy can be ended if someone living in or visiting the home is convicted of a serious offence in the area of the house. This allows the Association to end the tenancy where behaviour has had a serious impact on neighbours or others in the community. A serious offence is one that the offender could have been imprisoned for, whether or not they actually were sentenced to imprisonment.

Section 7 (2) of the 2014 Act extends the circumstances when a Scottish secure tenancy may be converted to a short Scottish secure tenancy. The circumstances include any situation where a tenant or someone living with the tenant has acted in an anti social manner, or pursued a course of conduct amounting to harassment of another person. This conduct must have been in or around the house occupied by the tenant and it must also have happened in the 3 years before the notice is served.

- The Equality Act 2010 The Public Sector equality duty requires public authorities to have due regard to the need to eliminate discrimination, promote equality of opportunity and foster good relations.

The Equality Act 2010 introduced 9 protected characteristics: • age; • disability; • gender reassignment; • marriage and civil partnership; • pregnancy and maternity; • race; • religion or belief; • sex; • sexual orientation.

- The Data Protection Act 1998 Sets standards for the gathering and sharing of personal information as do the General Data Protection Regulations 2018.

- The Human Rights Act 1998 influences housing management functions, including Recovery of Possession Proceedings.

5 THE SCOTTISH SOCIAL HOUSING CHARTER APRIL 2017

5.1 The Charter, as required by the Housing (Scotland) Act 2010 section 31, sets the standards and outcomes that all social landlords should aim to achieve when performing their housing activities. With regard to the prevention and management of anti social behaviour the relevant Charter outcomes are:

Equalities: 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

Communication: *social landlords must manage their businesses so that: 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*

Estate Management, anti social behaviour, neighbour nuisance and tenancy disputes: *Social landlords working in partnership with other agencies, help to ensure as far as reasonably possible that: tenants and other customers lived in well maintained neighbourhoods where they feel safe*

Tenancy sustainment: *Social landlords ensure that – tenants get the information they need on how to obtain support to remain in their home and ensure suitable support is available, including services provided directly by the landlord and by other organisations.*

And Housing Options, includes social landlords ensuring that – *people at risk of losing their homes get advice on preventing homelessness*

6.0 CONFIDENTIALITY

6.1 We recognise the importance of confidentiality and will treat information that we receive in the strictest confidence under the Data Protection Act 1998 and in line with the General Data Protection Regulations 2018. We will not pass on or discuss with any third party any information provided by the tenant without their written permission. An exception to this may arise, where we have not been able to contact a tenant and we require to notify the local authority of action in relation to the tenancy -section 11 notice – Homelessness (Scotland) Act 2003, or where there are over-riding health and safety concerns.

7.0 POLICY SCOPE

7.1 This Policy applies to all rented, shared ownership and mixed tenure developments owned or managed by the Association.

7.2 This Policy also links to our Estate Management, and Allocations Policies and where we are either modernising or building homes, we will ensure that design aspects contribute to the prevention of anti social behaviour where feasible.

7.3 We are developing a separate Policy on Domestic Abuse.

8.0 OUR APPROACH

8.1 In setting out our approach in this Policy full account is taken of the wording of our Scottish Secure Tenancy Agreement and the sections relating to Respect for Others and also of Section 143 of the Anti Social Behaviour (Scotland) Act 2004 which defines anti social conduct as : *A person engages in anti social behaviour if he/she: a) Acts in a manner that causes or is likely to cause alarm or 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.*

8.2 Conduct includes includes speech and a course of conduct must be on at least two occasions.

8.3 Anti social behaviour covers a wide range of actions and behaviours and the perceptions of tenants and residents may be different from those of housing staff.

8.4 We strongly encourage anyone experiencing anti social behaviour to report their concerns to the Police at the time, as well as contacting us within office hours.

9.0 CLASSIFICATION OF BEHAVIOURS

9.1 We will generally classify behaviours as follows:

- Category A complaints which include :
 - very serious anti social behaviour, including, but not limited to criminal behaviour, such as drug dealing,
 - unprovoked assault,
 - hate crime,
 - harassment,
 - violent conduct towards neighbours, contractors or staff of the Association

Category B complaints which include serious and persistent anti social behaviour which may include, but not be limited to :

- frequent disturbances
- vandalism/damage to property
- threatening behaviour and

Category C which again include, but may not be limited to, nuisance behaviours including

- noise complaints,

- failure to controls pets and animals
- running a business from home
- unauthorised alterations
- verbal harassment
- inappropriate car parking/abandoned vehicles/fly tipping

This list is illustrative and not exhaustive.

10. TIMESCALES

10.1 We will endeavour to work to the following timescales , noting that where complaints are received on a Friday, liaising with other agencies etc may carry forward to the following week.

ACTION	CATEGORY A	CATEGORY B	CATEGORY C
Contact Complainant	24 hrs	3 working days	5 working days
Contact Neighbours/Witnesses	24 hrs	3 working days	5 working days
Interview Alleged Perpetrator/s	48 hrs	5 working days	10 working days
Liaise other agencies	48 hrs	5 working days	10 working days
Evaluation/Action Initiated	48 hrs	5 working days	15 working days

Timescales and performance will be reviewed by the Management Committee and Key Performance Indicators reviewed in light of performance at the beginning of each financial year.

11 MANAGEMENT AND LEGISLATIVE TOOLS

11.1 We will draw on a wide range of management and legislative tools to assist in the prevention and management of anti social behaviour, with an emphasis being placed on inter-agency working. Full account will also be taken of the role of design and

standards in alleviating or preventing anti social behaviour, the role of allocations and the tenancy agreement. Our focus will be on early action and intervention.

We will seek to make use of the following:

- tenancy agreement
- mediation in conjunction with West Dunbartonshire Council
- interagency working liaising with social work, support organisations, Police Scotland, Fire and Rescue Scotland; protective services/environmental health (in relation to noise monitoring etc)
- verbal and written warnings
- acceptable behaviour contracts (abcs)
- interdict; interim interdict
- action for specific implement
- anti social behaviour orders
- conversion to short Scottish secure tenancy
- repossession action and eviction

Legal advice will be sought on taking all action listed above from abcs onwards.

11.2 We will take complaints seriously, as follows:

- All reports of anti social behaviour will be taken seriously and individuals will be given an opportunity to discuss their concerns with staff.
- It is not essential for initial complaints to be made in writing; however we will provide forms to complainants to assist in this and to ensure that our records are accurate. A signature may be required where verbal reports of complaints are received and recorded by staff.
- The Association will often need evidence in order to take action against someone who is behaving anti socially. Complainants may therefore be required to complete diary sheets to record what has been seen or heard. In serious cases complainants may be required to give evidence in Court. In exceptional cases the Association may consider using professional witnesses.
- Complainants will be reminded to telephone the Police at the time of any incident/s and to contact Association staff within office hours.

- Anonymous complaints will be followed up where the matter is serious and there is independent evidence – eg vandalism, damage or graffiti to a property – available to the Association. We recognise that anonymous complaints may be an indication of fear of reprisal or intimidation.

We will respond as follows:

- We will respond promptly to complaints of anti social behaviour as we recognise that a speedy response may result in matters being resolved before they escalate into more serious incidents.
- In dealing with reports of anti social behaviour we will log all reports or complaints and will normally acknowledge within 24 hours of receipt.
- We will carry out investigations in line with the timescales listed above, which may include escalating a case if it becomes more serious.
- Whilst respecting confidentiality, we are committed to keeping complainants informed of our progress and of the action, if any taken on their complaint. Feedback may include advice on the limitations of the Association's powers to deal with specific incidents or circumstances and on the most appropriate alternative agency to be contacted or involved.
- Whilst recognising that this is a subjective matter we will seek feedback from complainants on how they feel their concerns have been dealt with and use this as part of on-going learning and development and to inform our Policy as appropriate.

12.0 PROCEDURES

12.1 This Policy is accompanied by documented procedures.

13.0 TRAINING

13.1 This Policy will be underpinned by training for all staff involved in any aspect of the management of anti social behaviour and by Management Committee training.

14. PERFORMANCE MONITORING

14.1 Performance will be reported on quarterly to the Management Committee; performance will also be analysed annually for any trend information. In line with the Annual Return on the Charter (Outcomes 15 and 22) the Management Committee will receive quarterly reports on the

number and percentage of ASB cases reported and of those the number – and percentage resolved.

Reports will also provide information to the Committee on the number of properties recovered owing to anti social behaviour and the percentage and number of court actions initiated which result in eviction, with reason for the action.

15. ROLES AND RESPONSIBILITIES

15.1 The Committee will monitor the implementation of this Policy to ensure that it is properly operated, and that there is effective scrutiny of the implementation of the Policy.

15.2 The Housing Manager has responsibility for overseeing the implementation of the Policy and our Housing staff are responsible for key aspects of the day to day service delivery with delegation of specific tasks to appropriate staff.

15.3 Responsibility for instigation of legal action rests with the Housing Manager. Where a court order for repossession is obtained (Decree granted) and it is considered that eviction may be necessary the case will be referred to the Director for final approval. A report will also be provided to the Management Committee when an eviction is scheduled to take place.

15.4 The Committee will ensure that the Policy is meeting its intended objectives and that monitoring, and reporting takes place in accordance with the Charter indicators listed in the Performance Monitoring section of this Policy.

16.0 COMPLAINTS

16.1 Complaints regarding our response to or management of antisocial behaviour will be referred, in the first instance, to the Association's Director. If the matter is not resolved, tenants or former tenants will be advised to complain in accordance with the Association's complaints procedure, copies of which are available on our website, and at our office and available from staff.

16.2 If after exhausting the Association's complaints procedure a tenant or former tenant is still unhappy, they should contact the Scottish Public Services Ombudsman (SPSO):

- Scottish Public Services Ombudsman
Bridgeside House
99 McDonald Road
Edinburgh
EH7 4NS

Telephone 0800 377 7330 – free phone or 0131 225 5300

Fax 0800 377 7331

Text 0790 049 4372

E-mail ask@spsso.org.uk

SPSO

Freepost

17.0 REVIEW OF POLICY

17.1 This policy will be reviewed every three years, or sooner if required by legislation, guidance or practice.