

## Anti-Social Behaviour Policy

<b><i>Purpose:</i></b>	To establish DPHA's policy and set out our position on Anti-Social Behaviour
<b><i>Review Date:</i></b>	
<b><i>Guidance:</i></b>	The Scottish Social Housing Charter
<b><i>Regulatory Standards:</i></b>	<ol style="list-style-type: none"> <li>1. The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.</li> <li>2. 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.</li> <li>3. The RSL manages its resources to ensure its financial well-being, while maintaining rents at an affordable level that tenants can afford to pay.</li> <li>4. The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.</li> </ol>
<b><i>Date reviewed by Policy Review Working Group (PRWG):</i></b>	17 April 2019
<b><i>Date approved by Management Committee:</i></b>	

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## **1.0 INTRODUCTION**

**1.1** The purpose of this Policy is to set out the Association's position in respect of managing anti-social behaviour as far as reasonably possible and to provide a framework within which incidents of anti-social behaviour will be managed by the Association's staff in partnership with other agencies when required.

**1.2** Dalmeir Park Housing Association (DPHA) is committed to ensuring that its homes and communities are pleasant and secure places to live. The Association recognises the rights of its tenants and their neighbours to peaceful enjoyment of their homes. The Association expects its tenants to respect the values and lifestyles of others within the community and to act reasonably and with consideration for others.

**1.3** Dalmeir Park Housing Association will use all powers available to it to deal effectively with incidents of anti-social behaviour caused by or affecting its tenants. Where appropriate, the Association will work closely and co-operate with other agencies whose functions and remits extend to dealing with any aspects of anti-social behaviour.

## **2.0 AIMS AND OBJECTIVES**

**2.1** It is the aim of this policy to provide an approach for dealing with neighbour complaints and complaints of anti-social behaviour within their areas of operation.

**2.2** The objectives are:

- To deliver an effective and efficient service to all tenants and residents within housing areas of DPHA
- To ensure consistency of service and approach to all tenants and residents
- To ensure the effective and appropriate sharing of information between partners, Police Scotland, and all other relevant agencies
- To respond promptly to complaints of anti-social behaviour, and to make use of all appropriate measures for the early resolution of complaints
- To take positive and decisive action in responding to, and investigating complaints of anti-social behaviour
- To provide information, advice and assistance to all tenants and residents in relation to anti-social behaviour
- To provide training and support to staff dealing with anti-social behaviour
- To keep abreast of good practice and to incorporate these in services

### **3.0 LEGISLATIVE FRAMEWORK**

**3.1** This section outlines the key areas of legislative provisions which the Association considered in the formulation of this policy and also how we can manage solutions for reducing anti-social behaviours.

**3.2** The legal framework which the Association will work within includes the provisions made within the following legislation:

- Misuse of Drugs Act 1971 – This act places a duty on us to report any known incidents of drug activity/misuse within our neighbourhoods to the Police.
- Crime and Disorder Act 1998 – Introduced Anti-Social Behaviour Orders
- The Race Relations Act 1976 & Race Relations (Amendment) Act 2000
- Environmental Protection Act 1990
- Civic Government (Scotland) Act 1982
- Dangerous Dogs Act 1991
- Human Rights Act 1998
- Adult Support and Protection (Scotland) Act 2007
- Data Protection Act 1998 – This act requires us to observe certain conditions regarding the sharing and gathering of information about individuals. Section 139 of the Anti-Social Behaviour Act 2004 promotes the exchange of information between “Relevant Authorities”.

We will hold information relevant to individuals, both reporters of and alleged perpetrators of anti-social behaviour which the Association requires to investigate and record antisocial behaviour incidents. We will only hold such information as necessary to allow us to tackle anti-social behaviour and take any legal action required and we will only hold such information as long as we deem it necessary in terms of future management of our tenancies.

- The Housing (Scotland) Act 2001 – legal framework detailing the responsibility on Registered Social Landlords to tackle anti-social behaviour. We have clearly defined our tenants responsibilities within our Scottish Secure Tenancy Agreements, particularly, section 2 “Use of the House and Common Parts” and 3, “Respect for Others”
- Criminal Justice (Scotland) Act 2003 – This act extended applications for Anti-Social Behaviour Orders to include Registered Social Landlords.

- Antisocial Behaviour etc. (Scotland) Act 2004 - provides that a person engages in Anti-social Behaviour if they:
  - “act in a manner that causes or is likely to cause alarm or distress, or pursue a course of conduct that causes or is likely to cause alarm or distress to at least one person not of the same household as them.”
  - ‘Conduct’ includes speech and a ‘Course of conduct’ is defined in the Act as being on two or more occasions.

This legislation provides a legal framework for tackling anti-social behaviour and promotes a responsibility on local communities and local agencies to work in partnership to prevent, stop and challenge anti-social behaviour. We will use or work with our partners to take advantage of a range of tools in the Act to tackle anti-social behaviour, which include, Anti-Social Behaviour Orders, orders for the dispersal of groups and closure of premises, fixed penalties for noise nuisance and low level offences, parenting orders and Anti-Social Behaviour Contracts.

- 3.3** The Scottish Social Housing Charter 2017 (Outcome6) - The Charter requires social landlords, working in partnership with other agencies, to ensure that tenants and other customers live in well maintained neighbourhoods, where they feel safe.

#### **4.0 WHAT IS ANTI SOCIAL BEHAVIOUR**

- 4.1** Anti-social behaviour is defined under the Antisocial Behaviour etc (Scotland) Act 2004 as where a person:

- Acts in a manner that causes, or is likely to cause alarm or distress, or,
- Pursues a course of conduct that causes, or is likely to cause alarm or distress to at least one person who is not in the same household.

- 4.2** It is clear from this definition that it encompasses a wide range of behaviour which may be considered to be anti-social, and the perceptions of tenants’ and residents’ may be entirely different from those of practitioners.

- 4.3** By way of a guide, behaviour should be considered as falling into three types:

- Category A Complaints - Relate to extreme forms of anti-social behaviour and includes certain types of criminal behaviour such as drug dealing. Although behaviour which is criminal in nature is entirely within the remit of the police, certain action may also be taken by the landlord.
- Category B Complaints - Serious and persistent anti-social behaviour – behaviour which typically may result in ASBO, interdict and eviction proceedings

- Category C Complaints - Nuisance behaviour – behaviour which is more of a nuisance than anti-social and may include low level neighbour disputes which may be dealt with by mediation or the landlord.

## **5.0 CATEGORIES OF COMPLAINT**

**5.1** Examples of each category are:

### **5.1.1 Category A: Extreme**

- Drug dealing
- Unprovoked serious assault
- Hate crime/other harassment
- Violent conduct towards neighbours/council/RSL staff
- Serious damage to property including fire raising

This category includes types of criminal behaviour entirely within the remit of the police, but certain action may also be taken by us.

### **5.1.2 Category B: Serious and persistent behaviours**

- Frequent disturbances
- Vandalism/damage to property
- Threatening behaviour
- Excessive and persistent noise
- Vandalism to Association property
- Alcohol and drug misuse

### **5.1.3 Category C: Other Complaints / Nuisance/ Disputes**

- Infrequent disturbance
- Noise complaints
- Running a business
- Verbal harassment
- Unauthorised alterations
- Behaviour of visitors/children
- Basic breaches (e.g. pet nuisance)
- Maintenance of garden/common grounds etc.
- Boundary disputes
- Family disputes affecting neighbours

5.1.4 The above list is not intended to be exhaustive.

## **6.0 COMPLAINT RESPONSE TIMESCALES**

**6.1** The following table details the timescales for responding to complaints falling into each of the three categories listed above. These timescales should be met wherever possible.

<b>Action</b>	<b>Category A</b>	<b>Category B</b>	<b>Category C</b>
<b>Contact Complainer</b>	24 hours	3 working days	5 working days
<b>Contact Neighbours / Witnesses</b>	24 hours	3 working days	5 working days
<b>Interview Alleged Offender</b>	24 hours	5 working days	10 working days
<b>Liaise with Other Agencies</b>	24 hours	5 working days	10 working days
<b>Case Evaluation / Action</b>	24 hours	5 working days	15 working days

## **7.0 WHAT WILL HOUSING OFFICERS DO?**

- 7.1** Housing Officers will investigate all anti-social complaints. This will usually involve interviewing the complainer and the complainant to understand the full extent of the problem.
- 7.2** We may need to seek corroboration to any incident reported to us. Therefore, our investigations may also involve interviewing and/or gathering information from other sources such as neighbours, other possible witnesses or external organisations such as the Police, ASSIST and Social Work etc.
- 7.3** It is important to stress that any information passed to us is kept strictly confidential. We will keep customers informed of the progress of your complaint by your Housing Officer.

## **8.0 WHAT ACTIONS CAN WE TAKE?**

- 8.1** We will take positive and decisive action to deal with anti-social behaviour caused by our tenants, their household members or visitors. We will use a range of measures available to us and as applicable to each individual case. Some of these measures are as follows:

## **Preventative Measures**

- 8.2** We recognise that prevention is often the most effective form of action and we will therefore try to minimise the circumstances which may give rise to it by:
- 8.2.1 Considering factors affecting anti-social behaviour in the design and improvement of our existing and any new build properties.
  - 8.2.2 Advising all new and prospective tenants at pre allocation visits and sign up interviews of our policies and procedures in relation to anti-social behaviour and their responsibilities towards their neighbours etc.
  - 8.2.3. Carrying out 'settling in' visits to new tenants in order to reinforce tenancy agreement obligations.
  - 8.2.4 Including in our Tenants Handbook information and advice on anti-social behaviour and what we and other agencies can do to help.
  - 8.2.5 Ensuring that our allocations policy and lettings procedures support/complement our objectives in tackling anti-social behaviour e.g. written references, appropriate tenancy/housing support services in place, use of suspensions as applicable etc.
  - 8.2.6 Supporting projects and initiatives for children and young people e.g. diversionary activities, improved facilities etc.

## **Mediation**

- 8.3 We recognise mediation as an effective means to aid conflict resolution. This is a way of helping people deal with disputes and reach some form of agreement that everyone can live with. Mediators help people discuss the problem. It is voluntary, confidential and free. We will therefore encourage the use of such services in appropriate cases and assist with any necessary referrals to [West Dunbartonshire Council Neighbourhood Mediation Service](#).

## **Enforcement**

- 8.4 If necessary we are committed to the enforcement of the conditions of tenancy and will use a full range of enforcement tools, to bring about a satisfactory conclusion, where such action is found to be justified and reasonable.
- 8.5 The action we take will take the form of a staged approach and may include formal warnings, multi-agency case conferences or initiatives e.g. with ASSIST, Police Scotland, Support Agencies etc., as well as legal action being instructed for very serious/persistent anti-social behaviour concerning a tenant, household member or visitor e.g. anti-social behaviour orders, notice/deed of repossession.



## **9.0 TRAINING AND AWARENESS**

- 9.1** We will ensure that all staff and our Management Committee are aware of this policy and receive appropriate training. We have detailed procedures, guidelines and staff training to underpin this policy.
- 9.2** Staff will be encouraged to play an active and positive role in establishing and developing relationships with applicants, any support organisations and agencies that can help tenants, the community and the Association.

## **10.0 RECORDING AND PERFORMANCE MONITORING**

- 10.1** The Association is aware of the importance of recording incidents of anti-social behaviour and of keeping clear and concise notes of incidents. Notes of interviews with individual complainers, witnesses and action taken will be recorded, filed and produced as evidence if legal action is necessary.
- 10.2** The Association will maintain an anti-social reporting database on which incidents of anti-social behaviour will be recorded.
- 10.3** Performance is reported on anti-social behaviour as part of our performance monitoring report which is presented quarterly to Management Committee and highlighted in tenant newsletters and our annual landlord report to tenants.

## **11.0 EQUALITY AND DIVERSITY**

- 11.1** We are committed to promoting an environment of respect, understanding, encouraging diversity and eliminating discrimination by providing equality of opportunity for all. This is reflected in our Equality and Diversity Policy.

## **12.0 COMPLAINTS**

- 12.1** Although we are committed to providing high levels of service, we accept that there may be occasions where you may not be not satisfied with the service you have received from us. We value all complaints and use this information to help us improve our services. Our Complaints Policy describes our complaints procedure and how to make a complaint.

## **13.0 GDPR**

- 13.1** We will treat your personal data in line with our obligations under the current data protection regulations and our Privacy Policy. Information regarding how your data will be used and the basis for processing your data is provided in our Customer Fair Processing Notice.