



Policy:

**Antisocial
Behaviour**

Housing Services

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Anti-Social Behaviour Policy

1.0 Introduction

- 1.1 Provanhall Housing Association is a community based not-for-profit organisation located in the Provanhall area of Easterhouse. The Association is run by an elected and voluntary Management Committee made up of local tenants and residents. Policies of the Association are agreed and approved by the Management Committee with the implementation of these policies the responsibility of staff.
- 1.2 The Association believes strongly that all tenants have the right to the peaceful enjoyment of their home. It is for this reason that all tenants have a legal obligation under the 'Housing (Scotland) Act 2001' and contractual obligation as contained within Section 3, 'Respect for Others' of their Scottish Secure Tenancy Agreement to ensure that they, members of their household or their visitors do ***'must not harass or act in an antisocial manner to, or pursue a course of antisocial conduct against, any person in the neighbourhood'***.
- 1.3 Regrettably antisocial behaviour does take place and manifests itself in a number of ways: from environmental antisocial behaviour such as dumping rubbish, graffiti and vandalism through to harassment, intimidation and abusive behaviour. Environmental antisocial behaviour is dealt with under our Estate Management Policy.
- 1.4 The effects of each incident of antisocial behaviour are immediate and personal. Antisocial behaviour also contributes to the fear of crime and can have a significant emotional and personal effect on both individuals and the wider Provanhall community.
- 1.5 Dealing with antisocial behaviour can be both time-consuming and in some instances difficult to resolve, as each case can differ greatly and revolve around a variety of different circumstances. In appreciating fully the complexity of antisocial behaviour, it is essential the Association has an Antisocial Behaviour Policy that provides clear guidelines on how it tackles antisocial behaviour. Detailed procedures are also available for staff to make sure complaints are recorded, responded to and monitored correctly and within set timescales.
- 1.6 Please note other associated policies and procedures related to this Antisocial Behaviour Policy include: Tenancy Agreement, Estate Management Policy, Animals Policy, Allocation Policies, Void Policy, Harassment Policy and Garden Areas Policy.

2.0 Defining Antisocial Behaviour

- 2.1 Antisocial behaviour is a term used to cover different types of behaviour. Antisocial behaviour can also cover commonly used and understood terms such as 'neighbour nuisance' or 'neighbour disputes'. The 'Antisocial

Behaviour etc. (Scotland) Act 2004' defines antisocial behaviour as when ***'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 not in their household. Conduct includes speech, and a course of conduct must involve conduct on at least two occasions'***.

2.2 Antisocial behaviour can be caused by:

- 2.2.1 The tenant or any other joint tenant
- 2.2.2 Any person living with the tenant e.g. family members or friends
- 2.2.3 Visitors to the tenant's home
- 2.2.4 Lodgers or sub-tenants

2.3 Antisocial behaviour can affect:

- 2.3.1 People living in or visiting the locality e.g. neighbours, relatives or friends
- 2.3.2 People engaged in lawful activity in the locality e.g. housing staff or contractors carrying out their duties
- 2.4 The term 'locality' includes the overall neighbourhood which can extend beyond the house and adjacent properties to the local Provanhall area.

3.0 Aims of the Antisocial Behaviour Policy

The aims of the Antisocial Behaviour are:

- 3.1 Protect individuals' and households' entitlement to quietly enjoy their home
- 3.2 Focus on prevention methods that will hopefully avoid the occurrence of antisocial behaviour
- 3.3 Intervene quickly, fairly and effectively to prevent escalation and ultimately stop the antisocial behaviour when it does occur
- 3.4 Work in partnership with other statutory and voluntary agencies to provide advice and support to both complainants and victims of antisocial behaviour
- 3.5 Work in partnership with other statutory and voluntary agencies to provide advice and support to the offenders to address reasons for their antisocial behaviour and hopefully stop such behaviour
- 3.6 Implement and exhaust all management remedies for dealing with antisocial behaviour before considering and using appropriate legal remedies

- 3.7 Do all we can, working in partnership with others, to avoid the use of eviction and to prevent homelessness if at all possible

4.0 Scottish Social Housing Charter Outcomes

- 4.1 The following charter outcomes and standards are relevant to the Antisocial Behaviour Policy:
- 4.2 **Charter Outcome 1 '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'
- 4.3 **Charter Outcome 2 'Communication':**
'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'
- 4.4 **Charter Outcome 6 'Estate management, antisocial behaviour, neighbour nuisance and tenancy disputes':**
'Social landlords, working in partnership with other agencies, help ensure that: tenants and other customers live in well-maintained neighbourhoods where they feel safe'
- 4.5 **Charter Outcome 7,8,9 'Housing Options':**
'people at risk of losing their homes get advice on preventing homelessness'
- 4.6 **Charter Outcome 11 'Tenancy Sustainment':**
'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'

5.0 Annual Return on the Charter (ARC) Indicators

- 5.1 The following Annual Return on the Charter (ARC) Indicators relevant to the Antisocial Behaviour Policy:
- 5.2 Charter Indicator 1 *'Percentage of tenants satisfied with the overall service provided by their landlord'*
- 5.3 Charter Indicator 13 *'Percentage of tenants satisfied with the landlord's contribution to the management of the neighbourhood they live in'*
- 5.4 Charter Indicator 15 *'Percentage of antisocial behaviour cases reported in the last year which were resolved'*

- 5.5 Charter Contextual Indicator C12 *'Percentage of the court actions initiated which resulted in eviction and the reasons for eviction'*.

6.0 Partnership Working

To meet fully all the aims of this policy and the legislative, guidance and good practice requirements, the Management Committee strongly believe this can only be achieved by working in partnership with other statutory and voluntary service providers. Section 139 of the Antisocial Behaviour etc. (Scotland) Act 2004 makes specific provision on the disclosure and sharing of information between 'relevant authorities' which include Police Scotland, Glasgow City Council and Registered Social Landlords. Service providers under this policy we work closely with include:

- 6.1 Police Scotland
- 6.2 Loretto Care - Housing Support Service
- 6.3 Addaction – North East Glasgow Recovery Hub
- 6.4 HSCP – Children & Families Team
- 6.5 HSCP – North East Community Homeless Service
- 6.6 HSCP – North East Community Addiction Team
- 6.7 HSCP – Adult Protection Service
- 6.8 HSCP – Older People Service
- 6.9 Glasgow City Council – Out of Hours Antisocial Behaviour Noise Service
- 6.10 Glasgow City Council – Mediation Service
- 6.11 Glasgow City Council – Community Payback Service
- 6.12 Glasgow City Council – Community Relations Unit (owners and private lets)
- 6.13 Greater Easterhouse Alcohol Awareness Project (GEAAP)
- 6.14 Action for Children - GENR8 Housing Service
- 6.15 Scottish Children's Reporter Administration – Children's Hearings Systems
- 6.16 Strathclyde Fire & Rescue

7.0 Tenancy Sustainment

- 7.1 Tenancies are often brought to an end by the tenant for positive reasons; moving in with a partner, transferring to meet their medical needs or to a more suitable larger or smaller home, buying their own home or relocating as a result of a new job. Tenancies also end for natural reasons such as a tenant passing away. Tenancy turnover therefore does not always reflect tenancy failures.
- 7.2 Unfortunately not all tenancies end through tenant choice. Tenancy sustainment simply means keeping tenants in their home for as long as they wish to remain. This helps reduce the number of failed tenancies and prevent homelessness. A failed tenancy is when the tenancy ends for negative reasons and the tenant does not necessarily choose or wants the tenancy to end; financial reasons, addiction issues, mental health issues, an offender or victim of antisocial behaviour, struggling to cope or not being able to manage their home. Shelter defines tenancy sustainment as *'preventing a tenancy from coming to a premature end by providing the necessary information, advice, and support for tenants to be able to maintain their tenancies'*. For these reasons meeting the aims of this policy are so important.

8.0 Vulnerable Tenants

- 8.1 Staff, have to be continually aware of and identify, discuss, agree and record any vulnerability or additional support needs for both new and existing tenants. Staff must do all they can, working closely with the tenant, family members, carers, friends, or partner services, to ensure the most appropriate action is taken. This helps to keep the tenant in their home and avoid any legal, court and eviction action if possible.
- 8.2 The pre-tenancy stage and sign up process is the best opportunity to identify, discuss and record any vulnerability or support issues. Tenants can of course become vulnerable or require additional support for many reasons during their tenancy. For that reason all staff in contact with tenants has a role to play in identifying such issues.

9.1 Risks of Antisocial Behaviour

- 9.1 To prevent and tackle antisocial behaviour, it is important to identify risk factors relating to antisocial behaviour. Risk factors can include:
- 9.1.1 Social exclusion
 - 9.1.2 Economic deprivation
 - 9.1.3 Unemployment

9.2 Scottish Index of Multiple Deprivation statistics for Glasgow and for Easterhouse in particular, continually show the highest level of these risk factors. Antisocial behaviour is often caused, exacerbated and sustained by such risk factors. For instance, wider social exclusion problems include poverty, family and relationship stress, drug and alcohol dependency, truancy and school exclusion.

9.3 Other risks of antisocial behaviour include:

9.3.1 Residents living together in tenemental properties with conflicting lifestyles. For example, 24hr opening for retail and call centres and the rise of the gig economy means more and more people working shift patterns

9.3.2 New building design requirements for modern living. For example, families now have TV's and DVR's, music devices, computers/laptops/tablets and gaming devices often in a number of rooms including bedrooms. This has a considerable impact on the original noise standards.

9.3.3 Lack of awareness of generational or cultural differences amongst households

9.3.4 Residents who lack or have turned down support considered necessary to assist them to sustain their tenancy in an appropriate manner

10.0 Prevention of Antisocial Behaviour

10.1 A proactive approach to prevent antisocial behaviour occurring is the main priority for the Association. Focussing on preventative measures is essential to control and resolve complaints of antisocial behaviour.
Prevention methods outlined below will at all times emphasise:

10.1.1 Promotion of the fundamental principle that all tenants have the right to the peaceful enjoyment of their home

10.1.2 Promotion of the 'Respect for Others' section of the Tenancy Agreement

10.1.3 Promotion of the range of options by which residents can report complaints

10.1.4 Promotion of the positive outcomes of encouraging residents to make complaints for staff to act upon and resolve the problem – as opposed to suffering in silence and not experiencing the peaceful enjoyment of their home

10.1.5 Responsibility of tenants regarding the behaviour of themselves, members of their household or their visitors

10.1.6 Serious personal consequences for tenants and their household if antisocial behaviour arises and continues

- 10.2** Antisocial behaviour is often seen as simply a housing management issue. In appreciating fully the complexity of antisocial behaviour, we recognise problems caused by and solutions to antisocial behaviour affect all levels of operation within the Association. **General prevention methods across the Association will include**
- 10.2.1 All Association new build developments are designed in consultation with Police Scotland through their Secure by Design accreditation scheme. This minimises opportunities for crime and antisocial behaviour through design and layout of projects.
 - 10.2.2 Appropriate and sensitive allocations of housing to avoid potentially contributing to neighbour disputes. For example, concentration of too many large families with children in one building
 - 10.2.3 Minimise the impact of antisocial behaviour through development and planned maintenance programmes. For example, double-glazing, improved sound insulation levels, upgraded controlled entry security systems and front door locks
 - 10.2.4 Prompt repair response times for environmental antisocial behaviour such as removal of graffiti or repairing damage / vandalism to security door entry systems
 - 10.2.5 Working with a range of statutory and voluntary organisations and agencies, including the purchasing of services, to address and tackle issues relating to risks of antisocial behaviour: social exclusion, economic deprivation and unemployment. For example, increasing employment opportunities, securing additional income for residents, providing additional services such as youth groups and generally seeking to improve community wellbeing issues for Provanhall residents
- 10.3 Housing management specific promotion of preventative measures will include:
- 10.3.1 Reference request from current or previous landlords
 - 10.3.2 House visit prior to offer of housing being made
 - 10.3.3 Accompanied viewing of the house being offered
 - 10.3.4 Pre tenancy advice and assistance
 - 10.3.5 Sign up process
 - 10.3.6 Tenants handbook
 - 10.3.7 New tenant visits
 - 10.3.8 Current tenant visits

- 10.3.9 Personal contact with tenants – home visits, telephone, out in the area, in office etc.
- 10.3.10 Antisocial behaviour letters and literature
- 10.3.11 Quarterly newsletters
- 10.3.12 Other promotional & publicity material as required

11.0 Making a Complaint

- 11.1 Any resident suffering as a result of antisocial behaviour should initially approach and speak to their neighbour or the person involved in the first instance to try and resolve the problem. Residents should only do this if they feel it is appropriate and are comfortable doing so. Their neighbour may be unaware their behaviour is disturbing other residents. Talking to each other can clear up misunderstandings. Explaining what the cause of the problem is, how they are affected and thinking of suggestions to resolve the problem beforehand can often lead to the problem being easily and quickly resolved. Most issues can be sorted out amicably if each person approaches the problem in a calm and open way and is willing to compromise if required.
- 11.2 Residents should make a complaint directly to their Housing Services Officer if they have any concerns or worries about approaching their neighbour. Residents should never approach or speak to their neighbour when they are angry and should never become involved in an argument. If this happens residents should simply walk away and report the complaint to their Housing Services Officer or Out of Hours Noise Service or Police depending on the circumstances.
- 11.3 To encourage reporting of complaints, it is important the Association makes it as easy as possible for resident to report complaints. This includes allowing the complaint to be made either by the resident themselves or on their behalf by a family member, friend, local councillor, MSP, MP, Police or any other organisation or agency working with or supporting the resident.

Residents, or someone on their behalf, can therefore make complaints:

- 11.3.1 In person - at the office or by requesting a home visit
- 11.3.2 By phone
- 11.3.3 By text
- 11.3.4 By email

11.3.5 Via our website

11.3.6 In writing

11.3.7 In contact with staff in the general area

11.4 Depending on the usefulness or quality of the information provided, additional information may be required by staff. Anyone reporting a complaint will be encouraged to complete the Association's Antisocial Behaviour Complaint Form. This form helps to ensure relevant, sufficient and consistent information is provided. Staff often staff complete this form on behalf of residents when they are in the office or over the phone. Advice and assistance to help residents complete this form will also be offered and provided by staff.

12.0 Anonymous Complaints

12.1 The Association fully supports and encourages residents to report complaints of antisocial behaviour. To ensure the Association is approachable for residents to report complaints so that we are aware of what is happening within our community, we will accept and consider acting on anonymous complaints. Accepting anonymous complaints will contribute to our aim of early intervention and prevention and also assist reporting of complaints.

12.2 Generally there are two reasons why complaints are made anonymously:

12.2.1 They are genuine but anonymous for fear of possible repercussions or reprisals

12.2.2 They are not genuine and are made with malicious intentions

12.3 The acceptance and investigation of anonymous complaints must be handled sensitively. Every effort will be made to verify the complaint. Staff must then use their discretion and judgement in deciding whether further investigation is necessary.

12.4 The Association cannot respond formally to anonymous information or complaints. However, it may be appropriate to respond generally via the Association's quarterly newsletters.

13.0 System Check

13.1 Upon receipt of a complaint staff must carry out a system check for both the complainant and alleged offender. This is to identify:

13.2 **Vulnerable Tenants** - See Section 8 '*Vulnerable Tenants*' for details. Staff being aware of vulnerable tenants who may require additional

support cannot be underestimated. This crucial information ensures the Association does all it can if possible to either avoid taking action against tenants who are vulnerable, or to ensure the most appropriate action is taken.

- 13.3 **Previous Complaints** -Prior to staff categorising or acting on any complaint, it is important staff are aware of any previous complaint history; both by the complainant and the alleged offender. This information is useful in determining the most effective action to be taken by staff to secure a successful outcome.

14.0 Categories of Complaints

- 14.1 The Antisocial Behaviour Procedure details the process staff follow on how complaints are recorded, the response timescales to action and investigate complaints plus the remedies and actions taken to resolve complaints.
- 14.2 Staff must take care to not pre-judge any complaint; reporting of a complaint does not necessarily mean the complaint is justified or that the allegations are true. Staff will do their best to corroborate any complaint; either from other neighbours or through partner agencies.
- 14.3 Complainant confidentiality will be respected at all times and emphasised to the complainant. However depending on the nature of the complaint and who is involved, staff will inform the complainant of the possibility the alleged offender will be aware of who has made the complaint. Complainants and victims of antisocial behaviour will be offered, either by the Association or other statutory and voluntary agencies, all necessary advice and support. Complainants will also be kept informed about the progress and/or outcome of their complaint.
- 14.4 Complaints of antisocial behaviour will be placed into one of the categories below.
- 14.4.1 **Category A – Very Serious Complaint: Actioned in 2 working days -**
- Examples include: drug dealing, criminal behaviour involving violence or 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 rising.
- 14.4.2 **Category B – Serious Complaints: Actioned in 5 working days –**
- Examples include: aggressive or abusive behaviour, frequent disturbances, vandalism, drug/ solvent/alcohol abuse, verbal/written harassment and frequent and persistent noise.
- 14.4.3 **Category C – Nuisance Complaints: Actioned in 7 working days -**

Examples include: children causing a disturbance, litter dumping, excessive noise, noisy party, control of pets, boundary disputes and untidy gardens.

- 14.5** It is recognised that it is unlikely all complaints will always fit neatly into one category. However complaints should be categorised with the knowledge following system and previous complaints checks, together with the nature of the complaint.

15.0 Remedies for Tackling Antisocial Behaviour

- 15.1 The Association is clear it is not people themselves that are antisocial but their behaviour. The Association therefore strongly believes that investigating and resolving complaints about someone's antisocial behaviour is best achieved through effective management remedies. This frequently involves working in partnership with the statutory and voluntary organisations and agencies outlined in Section 6 '*Partnership Working*'.
- 15.2 Notwithstanding, the Association will utilise all remedies at its disposal, including legal measures, in order to protect individuals' and households' entitlement to quietly enjoy their home. Nevertheless, as made clear under the aims of this policy, staff will implement and exhaust all management remedies before considering and using appropriate legal remedies.
- 15.3 Furthermore, court action should only ever be instigated as a last resort. Staff will do all they can, working with our partners, to avoid the use of eviction and prevent homelessness and sustain tenancies if at all possible.

16.0 Management Remedies (Non Legal)

- 16.1 **Contact / Interview / Discussion / Advice** - Staff will make contact with the alleged offender to interview and discuss the complaint. Staff will then establish if the complaint is justified and provide any relevant advice and assistance. This is often all that is required to be effective in resolving the majority of Category C, Nuisance Complaints. Depending on the circumstances of the complaint and with reference to system check and previous complaint history, staff will have discretion to issue a verbal warning at this stage.
- 16.2 **Breach of Tenancy Warning Letters – First / Second / Final** - A written breach of tenancy first/second/final warning letter must be issued following each interview with the offender regarding their antisocial behaviour. The letters will detail how the tenancy has been breached and the consequences if the breach occurs again. After each reported complaint it

is very important the offender is interviewed prior to each breach of tenancy warning letter being issued. If the offender fails to engage by not respond to contact methods outlined in section 11 *'Making a Complaint'* or fails to attend an agreed appointment interview, this will be recorded and then breach of tenancy warning letter issued.

16.3 Acceptable Behaviour Contracts - An Acceptable Behaviour Contract (ABC) is a written agreement between the offender (child under 16 or adult), the Association and Police Scotland. The contract lists the antisocial behaviour which the person has been involved in and which they agree not to continue. The contract usually lasts for 6 months but can be renewed if required. Although the ABC is not legally binding, it can be used at court to support eviction action or an application for an Antisocial Behaviour Order (ASBO). This is because the use of ABC's demonstrates to the court the Association has tried to do all it can to avoid instigating legal action remedies to tackle the antisocial behaviour.

16.3.1 If an individual fails to sign an ABC or fails to attend an ABC meeting, an Unacceptable Behaviour Notice (UBN) can be issued. The UBN makes the person aware of their antisocial behaviour and the consequences if their behaviour continues. Again, it is not legally binding but for the reasons outline above, can be used to support legal remedies.

16.4 Mediation - Mediation is a communication process. It supports people in dispute by voluntarily coming together to talk things through, sort out their differences and find their own solutions to the dispute.

16.4.1 The Association views mediation positively as a way of helping to rebuild relationships. It is not appropriate for more serious antisocial behaviour involving threats or violence or if more serious action involving the police or legal remedies is required.

16.4.2 Mediation offers a confidential, impartial and independent service. Mediators don't take sides. Mediation can be used at any stage of the complaint process, but especially when there is recurring antisocial behaviour and the relationship between the parties involved has broken down. It can also be used when staff assess their role has been exhausted i.e. were no other neighbours or residents are affected in any way by the problem and/or it appears to be a dispute or complaint solely between both parties. Mediation can be provided by:

16.4.3 Trained Association staff

16.4.4 Trained staff from another housing organisation e.g. EHRA landlords

16.4.5 An independent body e.g. mediation service, social work etc.

16.4.6 However, for mediation to truly be viewed by both parties as being confidential, impartial and independent, the Association would prefer an independent body to be used for mediation. That is why we work with

Glasgow City Council Mediation Service whose service is also provided free of charge.

- 16.5 **Suspending Housing List Applications (New and Existing)** - For both waiting list and internal transfer applicants involved in antisocial behaviour, their application for housing may be suspended. Please refer to the Allocation Policies and Procedures for details.
- 16.6 **Rehousing** - If other remedies have not successfully resolved the antisocial behaviour, the option of rehousing, either within the Association's stock, the Provanhall area, elsewhere in Easterhouse or Glasgow or indeed elsewhere in the U.K. to be near family, friends or other support networks, can be discussed. This may be particularly helpful in cases involving 'conflicting lifestyles'. All information, advice and support to aid rehousing will be provided by staff. Please refer to the Allocation Policies for further information on rehousing options.

17.0 Legal Remedies

- 17.1 **Joint Discussion** - For any tenant the Association is instigating legal action against, the Association will notify HSCP relevant service plus HSCP North East Community Homeless Service. The tenant will be advised of this action in advance. Information on whether the tenant was initially rehoused as a Section 5 homeless referral will also be included. HSCP staff will be informed of the reasons why the Association is now considering legal measures. This notification will allow a check of their records to find out if the tenant or household members are known to HSCP services. This allows HSCP to become involved and support the tenant if required.
- 17.1.1 HSCP services will be invited to attend a joint discussion, along with Association staff and the tenant. The aim is to work together to hopefully resolve any problems and do all we can to avoid potential eviction and homelessness. Although notification to these statutory agencies is a legal obligation, the Association fully supports this partnership approach so the tenant can successfully sustain their tenancy.
- 17.1.2 In cases of serious, recurring or extreme anti-social behaviour, it may be necessary to pursue legal remedies including the following:
- 17.2 **Interdict and Interim Interdict** - An interdict and interim interdict (normally granted pending an award of interdict) is a court order to prevent someone from doing something e.g. dumping rubbish in common areas, playing loud music, going to an address or aching or contacting someone.
- 17.2.1 Like any legal remedy there are advantages and disadvantages of taking such action. While a fairly quick method of intervention to stop antisocial behaviour, if the antisocial behaviour continues, proving a breach of interdict can be much more difficult than proving breach of tenancy conditions. In addition it is a substantially more expensive than

repossession action as it is an ordinary court action rather than summary cause action.

- 17.2.2 It is not necessary that the Association apply for this action before considering repossession action for breach of tenancy conditions. A Sheriff though may consider that in applying for an interdict, the Association has exhausted all reasonable action to prevent the antisocial behaviour from occurring or continuing prior to repossession action.
- 17.3 **Action for Specific Implement** - An Action for Specific Implement is a court order requiring someone to do something which is their legal or contractual responsibility e.g. cleaning their landing and stairs as specified in their Tenancy Agreement. As there is no 'interim' element it is generally a less useful legal tool as the legal process can be slower. It can however be used when the antisocial behaviour is not deemed to be sufficiently serious to merit repossession action (nor would such action likely succeed), but where some course of action needs to be taken in terms of sending a clear warning to the tenant that the Association is taking seriously the breach of tenancy.
- 17.4 **Anti-Social Behaviour Order (ASBO)** - An ASBO is a court order preventing someone (aged 12 or over) from pursuing a certain course of conduct that is causing alarm or distress to the community, or behaviour that is likely to escalate to criminal level if not stopped. Applying for an ASBO is a civil action and is not a substitute for criminal proceedings. All ASBO applications should be done in consultation with Police Scotland. If the person is aged 12-15 we must also consult with the Principal Reporter to the Scottish Children's Reporter Administration.
- 17.4.1 The Association can apply for an Interim ASBO for anyone over the age of 12 pending determination of a full ASBO. They do not need to be a tenant, resident or owner etc. However, we would have to demonstrate to the Sheriff that it would be 'reasonable' to grant the order bearing in mind the behaviour of the person concerned.
- 17.5 **Short Scottish Secure Tenancy Agreement** - Given the impact on the rights of tenants, the Association will carefully consider when to use a Short Scottish Secure Tenancy (SSST). Staff will ensure its use will be both appropriate and proportionate in all the circumstances. A SSST can be used in the following ways:
- 17.5 **ASBO** - If a full ASBO is granted against a tenant, or anyone living with them, the Association can serve a Notice on the tenant converting their Scottish Secure Tenancy (SST) to a SSST. However, consideration will be given to the following:
- 17.5.1 The nature, frequency and duration of the antisocial behaviour
- 17.5.2 Was the antisocial behaviour linked to behaviour in or around the tenancy or was it unrelated

- 17.5.3 Would an SSST act as a deterrent to further antisocial behaviour
- 17.5.4 The effect that the antisocial behaviour is having or is likely to have on other residents
- 17.5.5 Action taken by the Association before raising ASBO proceedings
- 17.5.6 Support requirements of the household
- 17.5.7 Any other relevant factors
- 17.5.8 Where the tenancy has been converted to a SSST, the Association has a duty to provide or ensure the provision of housing support services to enable the tenancy to convert to a SST. A SSST will automatically convert back to a full SST after 12 months unless the Association takes action to recover the tenancy during this period.
- 17.6 **Antisocial Behaviour Grounds** - The Association can serve a Notice and create a SSST for new tenants, and convert a SST to a SSST for existing tenants, if antisocial behaviour within the previous 3 years has been demonstrated. The term of the SSST will be for 12 months. The Association can also extend the term of a 12 months SSST by 6 months so long as housing support is being provided but sufficient improvement in behaviour has not yet been demonstrated.
- 17.6.1 Conversion to a SST at the end of the 12 month SSST term will be automatic, unless the Association takes action to extend the tenancy for a further 6 months or takes action to repossess the tenancy. Staff will therefore monitor the behaviour regularly to determine whether it has improved sufficiently to allow the tenancy to convert to a SST automatically at the end of the 12 month term.
- 17.7 **Action after Conviction** - The Association may pursue a streamlined eviction against a tenant if they, a household member or visitors have been convicted in the previous 12 months of:
- 17.7.1 using your house, or allowing it to be used, for immoral or illegal purposes
- 17.7.2 any offence punishable by imprisonment committed in or near the house (no requirement to actually be sentenced to imprisonment)
- 17.7.3 The Association can end the tenancy if the antisocial behaviour has had a serious impact on neighbours or others in the community and it considers such action is appropriate. The first stage of this process is serving a Notice of Proceedings for Recovery of Possession (NPRP).
- 17.7.4 Under a streamlined eviction, the court **must** end the tenancy - a sheriff cannot consider if reasonable to do so. Tenants however will still have the right to challenge proportionality of our decision to take court action under

human rights grounds. The courts may then take this into account before making a decision.

17.8 **Repossession** - Repossession action will only be considered as a last resort after all other appropriate remedies have failed to satisfactorily resolve the problem. The first stage of this process is serving a Notice of Proceedings for Recovery of Possession (NPRP).

17.9 See Antisocial Behaviour Procedure for details of all legal remedies.

18.0 Decision Review

18.1 A tenant dissatisfied with any decision taken regarding the antisocial behaviour process has the right to request a review of the decision. The tenant is advised the review process is as follows:

18.2 The tenant can request a review of the decision to the Housing Services Manager of the Association. Their review request can be made in person by making an appointment or by phone, in writing, by email or through our website. The Housing Services Manager will provide a written response within 5 working days.

18.3 If the tenant does not agree or accept the decision of the Housing Services Manager, they have the right to make a final review request to the Director of the Association. Their review request can be made in person by making an appointment or by phone, in writing, by email or through our website. The Director will provide a written response within 5 working days. The Director's decision will be final.

19.0 Complaints

A tenant has the right to complain if they are unhappy. We value any complaint a tenant or resident may have as this can help improve the service we provide. See the Complaints Policy and Procedure for details.

20.0 Equality & Diversity

20.1 Provanhall Housing Association is committed to promoting an environment of respect, understanding, encouraging diversity and eliminating discrimination by providing equality of opportunity for all. The Antisocial Behaviour Policy and Procedure in its operation will adhere to all parts of the Equality & Diversity Policy.

20.2 The Association wishes to ensure there are no barriers in accessing its services. Relevant documents can therefore be translated into a range of languages on request. We will also ensure that translation services are available for those who wish more detailed information and to assist

those who wish to make personal enquiries. For anyone with visual impairment relevant documents can also, on request, be made available in larger print, on tape, in Braille or on any format required.

21.0 Legal Framework

21.1 All aspects of the Antisocial Behaviour Policy and Procedure adhere to the following equality and housing and other relevant legislation:

21.1.1 Equality Act 2010

21.1.2 Human Rights Act 1998

21.1.3 Data Protection Act 2018 (UK's implementation of the General Data Protection Regulation (GDPR) 2018

21.1.4 Antisocial Behaviour etc. (Scotland) Act 2004

21.1.5 Housing (Scotland) Act 1987

21.1.6 Housing (Scotland) Act 2001

21.1.7 Housing (Scotland) Act 2010

21.1.8 Housing (Scotland) Act 2014

21.1.9 The Short Scottish Secure Tenancies (Notice) Regulations 2018

21.1.10 The Short Scottish Secure Tenancies (Proceedings for Possession) Regulations 2018

21.1.11 The Housing (Scotland) Act 2014 (Commencement No. 8, Savings, Transitional and Supplemental Provisions) Order 2018

21.1.12 The Scottish Secure Tenancies (Proceedings for Possession) (Form of Notice) Regulations 2018

21.1.13 The Scottish Secure Tenancies (Proceedings for Possession) (Form of Notice) Regulations 2012

21.1.14 Homelessness etc. (Scotland) Act 2003

21.1.15 Dog Fouling (Scotland) Act 2003

21.1.16 Misuse of Drugs Act 1971;

21.1.17 Civic Government (Scotland) Act 1982

21.1.18 Dangerous Dogs Act 1989 & 1991

21.1.19 Environmental Protection Act 1990

- 21.1.20 Criminal Justice (Scotland) Act 2003
- 21.1.21 The Children (Scotland) Act 1995
- 21.1.22 Crime and Disorder Act 1998

22.0 Guidance and Good Practice

22.1 Every effort has been made to develop the policy and procedure with regards to the following information, guidance and good practice on antisocial behaviour:

22.1.1 Scottish Social Housing Charter Indicators & Technical Annex (Scottish Government, 2017)

22.1.2 Streamlined Eviction Process – Criminal or Antisocial Behaviour, Statutory Guidance for Social Landlords (Scottish Government, 2019)

22.1.3 Short Scottish Secure Tenancies for Antisocial Behaviour and other Miscellaneous Changes to Short Scottish Secure Tenancies, Statutory Guidance for Social Landlords (Scottish Government, 2019)

22.1.4 A Guide to the Antisocial Behaviour etc. (Scotland) Act 2004 (CIH, 2005).

22.1.5 'Guidance on.....' series of booklets relating to ASB Act 2004 (Scottish Executive, 2004/5).

22.1.6 Antisocial Behaviour – Standard Operating Procedure (Police Scotland, 2018)

22.1.7 Information Sharing Protocol – Standard Operating Procedure (Police Scotland, 2018)

22.1.8 Sharing of Information to tackle ASB, Joint Protocol, (Strathclyde Police, GCC, GWOSF, 2005).

22.1.9 Preventing Homelessness – Statement of Best Practice (GCC & GHA, 2004)

22.1.10 Raising Standards in Housing – Antisocial Behaviour & Harassment (SFHA, 2001)

22.1.11 Human Rights at Home – Guidance for Social Housing Providers, (Equality and Human Rights Commission, 2011)

23.0 Role of the Management Committee

- 23.1 Staff will undertake the day to day operation of every aspect of the antisocial behaviour process relating to this policy. The role of the Management Committee is to agree and review the policy, monitor reports of antisocial behaviour and approve action, including legal action, to resolve complaints of antisocial behaviour plus monitor and review the outcomes of the policy.

24.0 Delegated Authority

- 24.1 The Management Committee has delegated the Housing Services Sub-Committee authority to monitor and deal with all aspects of antisocial behaviour.
- 24.2 Any decision however to enforce decree and proceed with eviction will require approval in advance by the Management Committee.

25.0 Confidentiality

- 25.1 Any information, including sensitive information, will at all times be treated with the strictest confidence.
- 25.2 Information provided to the Management Committee such as repossession court cases seeking approval to enforce decree, will be provided in a way that protects the identity of the tenant. The tenant's name and address or household member details will not be used.
- 25.3 The Association will not divulge any details of a tenant's antisocial behaviour to a third party without the tenant's written consent. This consent though is not required for those parties who have signed up to the Information Sharing Joint Protocol; Strathclyde Police, Glasgow City Council, GHA and other Registered Social Landlords.

26.0 Monitoring and Reporting

- 26.1 It is important for the Association through the Management Committee to establish whether the aims of the Antisocial Behaviour Policy are being met. Regular monitoring and reporting of antisocial behaviour cases plus legal remedies and court action outcomes, helps to establish whether or not these aims are being met and assist in future policy reviews. This will also help in the review of performance indicators and targets.

26.2 Scottish Social Housing Charter indicators relating to antisocial behaviour and reported annually through the Annual Return on the Charter (ARC) requirements will also be provided to the Management Committee.

27.0 Audit Trail

27.1 An audit trail shall be maintained for each antisocial behaviour case. This audit trail will clearly demonstrate the need for the escalation stages of this policy.

28.0 Review of Policy

28.1 This policy will be reviewed five years from date of approval.