



**Provanhall Housing Association Limited**

**POLICY**

**TITLE**

**Anti-Social Behaviour Policy**

**AUTHOR**

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## Anti-Social Behaviour Policy

### 1. Introduction

- 1.1 The purpose of this policy is to outline the aims and objectives of Provanhall Housing Association's (the Association) approach to tackling antisocial behaviour. It provides a framework for the committee, residents, and staff to follow when addressing incidents of antisocial behaviour and neighbour disputes.
- 1.2 The Association firmly believes that every tenant has the right to enjoy their home in peace. Consequently, tenants have both a legal duty under the **Housing (Scotland) Act 2001** and a contractual obligation under Section 3, 'Respect for Others,' of the **Scottish Secure Tenancy Agreement**. This requires tenants, their household members, and visitors to refrain from harassing or behaving in an antisocial manner, or engaging in a course of antisocial conduct against anyone in the neighbourhood.
- 1.3 Unfortunately, antisocial behaviour does occur and can take many forms, ranging from environmental issues such as fly-tipping, graffiti, and vandalism, to harassment, intimidation, and abusive behaviour. Environmental antisocial behaviour is addressed through our **Estate Management Policy**.
- 1.4 The impact of antisocial behaviour is often immediate and personal, contributing to a heightened fear of crime. Such behaviour can have a significant emotional and personal effect on individuals, as well as the wider Provanhall community.
- 1.5 Addressing antisocial behaviour can be time-consuming and complex, as each case varies and may involve different circumstances. Recognising this, the Association has established a clear **Antisocial Behaviour Policy** to guide how these issues are handled. Comprehensive procedures are in place to ensure complaints are properly logged, responded to, and monitored within specific timeframes.
- 1.6 Related policies that complement this **Antisocial Behaviour Policy** include: the **Unacceptable Actions Policy, Tenancy Agreement, Estate Management Policy, Animals Policy, Allocation Policies, Void Policy,** and **Garden Areas Policy**.

## 2. Equality and Diversity

- 2.1 The Association is committed to promoting an environment of respect, inclusivity, and diversity, while actively eliminating discrimination and ensuring equal opportunities for all. Our **Antisocial Behaviour Policy** and Procedure will fully comply with the principles outlined in the **Equality & Diversity Policy**.
- 2.2 To ensure our services are accessible to everyone, we offer translation of relevant documents into various languages upon request. Translation services are also available for those seeking more detailed information or making personal enquiries. For individuals with visual impairments, documents can be provided in larger print, on tape, in Braille, or any other required format.

## 3. Definitions of Anti-Social Behaviour

- 3.1 Defining anti-social behaviour (ASB) can be challenging. What one person finds disruptive, another might not. ASB can range from minor breaches of the tenancy agreement to serious criminal activities.
- 3.2 The legal definition of anti-social behaviour, as outlined in the **Housing (Scotland) Act 2001**, refers to “acts or the pursuit of a course of behaviour that causes, or is likely to cause, alarm, distress, nuisance, or annoyance.” A more detailed definition can be found in Section 3.2 of the **Scottish Secure Tenancy Agreement**, which defines ASB as “conduct that causes, or is likely to cause, alarm, distress, nuisance, or annoyance to any person, or damage to anyone’s property.”
- 3.3 The **Anti-Social Behaviour etc. (Scotland) Act 2004** further defines it as: *“A person engages in anti-social behaviour if they (a) act in a way that causes alarm, distress, nuisance, or annoyance; or (b) pursue a course of conduct likely to cause alarm, distress, nuisance, or annoyance to someone residing in, visiting, or lawfully using an area near a relevant property.”*
- 3.4 In this context:
- "Conduct" includes speech.
  - "A course of conduct" refers to actions occurring on at least two separate occasions.
  - "Alarm" relates to fear or apprehension of danger.
  - "Distress" implies suffering beyond mere upset, annoyance, irritation, or inconvenience.

## 4. Causes of Antisocial Behaviour

- 4.1 Antisocial behaviour can be caused by:

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

## 5. Effects of Antisocial Behaviour

### 5.1 Antisocial behaviour can affect:

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

## 6. Policy Aims and Objectives

6.1 Our aim is to respond promptly and effectively to all reports of ASB. We are dedicated to using a balanced, people-focused approach, sensitive to the experiences of everyone involved.

## 7. Objectives

7.1 **Tenant Responsibilities:** Ensure tenants understand their responsibilities under the tenancy agreement.

7.2 **Prevention:** Promote a culture of respect and neighbourliness to prevent ASB.

7.3 **Early Intervention:** Identify and address ASB early to prevent escalation.

7.4 **Community Engagement:** Raise awareness of ASB's impact and promote positive behaviour through outreach.

7.5 **Empowerment:** Encourage residents to report ASB confidently, knowing their concerns will be taken seriously.

7.6 **Staff Guidance:** Provide clear procedures for staff to handle ASB professionally and efficiently.

7.7 **Support:** Offer appropriate support to victims, witnesses, and those accused of ASB.

7.8 **Enforcement:** Use all available legal tools to address serious ASB issues.

7.9 **Partnerships:** Work with Police Scotland, local authorities, and other agencies for effective outcomes.

7.10 **Consistency:** Ensure consistent handling of ASB cases through staff training.

## 8. Scottish Social Housing Charter Outcomes

8.1 The following charter outcomes and standards are relevant to the **Antisocial Behaviour Policy**:

### 8.2 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’.*

### 8.3 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’.*

### 8.4 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’.*

### 8.5 Charter Outcome 7, 8, 9 - Housing Options:

*‘People at risk of losing their homes get advice on preventing homelessness’.*

### 8.6 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’.*

## 9. Legislative and Regulatory Requirements

9.1 This policy complies with key legislation, including:

- **Antisocial Behaviour etc. (Scotland) Act 2004**: Defines ASB and outlines measures to combat it.
- **Housing (Scotland) Act 2001, 2010, 2014**: Sets out the rights and responsibilities of tenants and landlords.
- **Human Rights Act 1998**: Ensures the protection of individual rights.
- **Equality Act 2010**: Promotes fairness and prevents discrimination.
- **Data Protection Act 2018 & GDPR**: Governs the protection of personal data and privacy.

9.2 **Regulatory Requirements**: Housing associations in Scotland, including Provanhall Housing Association, are required to report specific information regarding ASB in their **Annual Return on the Charter (ARC)** to the Scottish Housing Regulator (SHR).

## 10. Key Reporting Aspects

### 10.1 Performance Indicators:

- Number of ASB Complaints: The total number of ASB complaints received during the reporting period.
- Resolution Times: The percentage of ASB cases resolved within the SHR's target timescales.

### 10.2 Customer Satisfaction:

- Satisfaction with ASB Handling: The level of tenant satisfaction with how ASB issues were handled.

### 10.3 Action Taken:

- Types of Actions: Actions taken in response to ASB complaints, such as warnings, mediation, or legal proceedings.

### 10.4 Prevention and Education:

- Initiatives: Any proactive measures or educational initiatives to prevent ASB and promote positive behaviour.

## 11. Partnership Working

11.1 Addressing ASB effectively requires collaboration with multiple agencies. The Association works closely with statutory and voluntary service providers, including Police Scotland, Glasgow City Council, and other housing associations.

11.2 **Section 139 of the Antisocial Behaviour etc. (Scotland) Act 2004** facilitates cooperation by allowing the sharing of relevant information to tackle ASB efficiently.

## 12. Proactive Prevention of Antisocial Behaviour

12.1 The Association's primary focus is on preventing antisocial behaviour. Taking a proactive approach is crucial to managing and resolving complaints effectively. Our prevention strategy highlights:

- Tenants' Right to Peace: Reinforcing that all tenants have the right to peacefully enjoy their homes.
- Respect for Others: Promoting the 'Respect for Others' clause in the **Tenancy Agreement**.
- Reporting Mechanisms: Encouraging residents to report complaints through various accessible channels.

### 13. Approach to Antisocial Behaviour

13.1 Antisocial behaviour is not just a housing issue—it affects all areas of the Association’s work. To prevent such behaviour, we implement the following strategies:

- **Design for Safety:** Collaborating with Police Scotland on **Secure by Design** principles for new developments.
- **Sensitive Allocations:** Allocating housing appropriately to avoid potential neighbour disputes.
- **Improving Living Conditions:** Reducing the impact of antisocial behaviour through sound insulation, security systems, and improved front door locks.
- **Environmental Response:** Rapidly addressing environmental issues like graffiti or vandalism.
- **Collaborative Partnerships:** Working with agencies to address social exclusion, economic hardship, and unemployment.

### 14. Specific Housing Management Prevention Measures

14.1 To further promote prevention, our housing management strategies include:

- Requesting references from current or previous landlords.
- Conducting house visits before offering housing.
- Accompanying prospective tenants during house viewings.
- Offering pre-tenancy advice and support.
- Providing tenants with a comprehensive handbook.
- Conducting regular contact through home visits, phone calls, and meetings.
- Distributing antisocial behaviour literature and quarterly newsletters.

### 15. Categories of Complaints and Procedures for Dealing with Complaints

15.1 When we receive a report of ASB, the Housing Services Officer will investigate by speaking with the complainant and any other relevant parties. All reports received will be acknowledged within 24 hours.

15.2 We categorise complaints based on their severity:

- **Category A – Very Serious Complaints (2-day action):** Includes drug dealing, violence, serious harassment, or property damage.
- **Category B – Serious Complaints (5-day action):** Includes aggressive behaviour, verbal abuse, or persistent noise issues.
- **Category C – Nuisance Complaints (7-day action):** Includes minor disturbances such as noise, littering, or untidy gardens.



- 15.3 The Association recognises that antisocial behaviour stems from actions, not individuals. We are committed to resolving such issues through effective management solutions, often working in partnership with statutory and voluntary organisations as outlined in Section 11: **Partnership Working**.
- 15.4 The Association will utilise all available measures, including legal avenues, to safeguard residents' right to peacefully enjoy their homes. However, our policy prioritises management solutions, only considering legal remedies after all other avenues have been exhausted.
- 15.5 Legal action will always be a last resort. Our staff will collaborate with partners to prevent evictions, sustain tenancies, and avoid homelessness whenever possible.

## **16. Drug-Related Offences Policy**

- 16.1 The Association has adopted a policy to consider legal action in all cases where tenants or individuals associated with the tenancy, such as friends or relatives, are convicted of drug offences within the property or its vicinity.
- 16.2 A report, including legal recommendations, will be presented to the committee for review. The committee will either make a decision on the appropriate course of action or refer the matter to the management committee for further consideration.

## **17. Management Remedies (Non-Legal)**

- 17.1 **Contact/Interview/Discussion/Advice:** Upon receiving a complaint, our staff will make contact with the individual concerned to discuss and assess the situation. If the complaint is justified, relevant advice and assistance will be provided. This is often sufficient to resolve most **Category C**, Nuisance Complaints. Depending on the circumstances and the individual's history, staff may issue a verbal warning at this stage.
- 17.2 **Breach of Tenancy Warning Letters – First/Second/Final:** Following each discussion, a written warning letter will be issued to the individual, detailing how their behaviour breaches the tenancy agreement and the consequences of further breaches. If the individual fails to engage, the breach of tenancy warning letter will still be issued. Where the level of behaviour is severe we reserve the right to proceed from first to Final warning and or other legal measures considered appropriate.
- 17.3 **Acceptable Behaviour Contracts (ABC):** An ABC is a voluntary agreement between the individual, the Association, and Police Scotland, detailing antisocial behaviours the individual agrees to cease. While not legally binding,

failure to comply may support further legal action, such as eviction or an Antisocial Behaviour Order (ASBO).

- 17.4 **Unacceptable Behaviour Notice (UBN):** If an individual refuses to sign an ABC, a UBN may be issued, serving as a formal warning of the consequences if their behaviour continues.
- 17.5 **Mediation:** Mediation offers a voluntary, impartial process to resolve disputes. This service is particularly valuable for ongoing disputes where relationships have broken down, although it is unsuitable for cases involving threats or violence. We often collaborate with **Glasgow City Council Mediation Service** to offer this service at no cost.
- 17.6 **Suspension of Housing Applications:** In cases of antisocial behaviour, housing applications (both new and internal transfer) may be suspended. See the **Allocation Policies and Procedures** for more details.
- 17.7 **Rehousing:** Where other solutions have not been successful, rehousing may be considered, either within our stock or elsewhere. This may be particularly helpful in cases involving conflicting lifestyles.

## 18. **New Regulations under the Housing (Scotland) Act 2014**

- 18.1 The **Housing (Scotland) Act 2014** introduced new provisions to complement existing measures available to the Association to address antisocial behaviour in or around a social housing tenancy. These include:
- A new **Short Scottish Secure Tenancy (SSST)** for antisocial behaviour.
  - A power for the Association to extend the term of certain SSSTs by six months, including those related to antisocial behaviour, where housing support services are provided.
  - A streamlined eviction process for tenants who have been convicted of a criminal offence punishable by imprisonment in relation to tenancy-related antisocial or criminal behaviour within the past 12 months.
- 18.2 These provisions give the Association the flexibility to use a streamlined eviction process in cases where a tenant or someone connected to the household has been convicted of an offence punishable by imprisonment. This new eviction process removes the requirement for the court to consider whether it is reasonable to grant an eviction order in certain cases. However, the Association must have served a notice of proceedings within 12 months of the conviction or the dismissal of an appeal.

## 19. Purpose and Use of the Streamlined Eviction Process

19.1 The purpose of the streamlined eviction process is to enable the Association to act more quickly in serious antisocial or criminal behaviour cases, reducing harm to individuals and communities. The process applies when:

- Serious antisocial or criminal behaviour has been proven in court.
- The behaviour occurred in or near the tenant's house.
- The Association deems eviction necessary to protect others from harm.

19.2 The Association must serve a notice of proceedings within one year of the conviction or the dismissal of an appeal. If the notice is not served within this period, the Association may still pursue eviction under existing provisions of the **Housing (Scotland) Act 2001**, but the statutory test of reasonableness will apply.

## 20. Steps Before Using the Streamlined Eviction Process

20.1 The Association must take legal advice and ensure they can satisfy the grounds for eviction under the streamlined process, including verifying the criminal conviction. The association may seek an extract conviction from the court to support their case, although they are not prevented from pursuing eviction if an extract is not available.

20.2 The Association should consider all relevant factors, including:

- The nature and seriousness of the offence.
- The connection of the convicted person to the property.
- The impact on household members, neighbours, and the community.
- Any positive steps the convicted person has taken to change their behaviour.
- The potential impact of eviction on household members.

20.3 The Association should also consider whether other steps, such as a **Short Scottish Secure Tenancy** or collaboration with other agencies, would be more appropriate than eviction.

## 21 Deciding on Further Action

21.1 The tenant will be interviewed by a Housing Services Officer and Housing Services Manager as soon as possible. They will be informed of the procedure, and a report will be presented to the **Management Committee** for consideration of legal action. The tenant will have the opportunity to present any mitigating circumstances, which will be included in the report anonymously.

## **22. Notifying Tenants of Provanhall Housing Association's Decision**

22.1 If legal action is to be taken, the Association must clearly inform the tenant of:

- The action being taken and the timeline.
- The reasons for the action, referencing relevant legislation and the tenancy agreement.
- Sources of advice and assistance, such as **Shelter Scotland** and **Citizens Advice**.

22.2 Tenants can challenge the Association's decision through judicial review or by defending the repossession action.

## **23. Serving a Notice**

23.1 Once the Association decides to proceed with eviction under the streamlined process, their solicitor will serve a notice on the tenant and any qualifying occupiers. This notice explains the grounds for repossession.

## **24. Court Action and Repossession**

24.1 After a case is filed in court, the court will determine whether the streamlined eviction process applies. The Association can raise proceedings on multiple grounds if necessary. The court must grant an eviction order if:

- Provanhall Housing Association has grounds for recovery of possession.
- The notice of proceedings was served within one year of the conviction or dismissal of an appeal.

24.2 If the court is not satisfied that the streamlined process applies, it will consider any other grounds for repossession raised by the Association. Tenants may challenge the eviction on human rights grounds, and the court may require the Association to present evidence justifying the eviction action.

## **25. Role of the Management Committee**

25.1 Staff will handle the daily operations of the antisocial behaviour process as outlined in this policy. The Management Committee's responsibilities include:

- Approving and reviewing the policy.
- Overseeing reports of antisocial behaviour.
- Authorising action, including legal measures.
- Evaluating the policy's effectiveness.

## **26. Delegated Authority**

- 26.1 The Housing Services Sub-Committee is delegated the authority to oversee and manage all aspects of antisocial behaviour.
- 26.2 Decisions to enforce eviction must receive prior approval from the Management Committee.

## **27. Confidentiality**

- 27.1 All information, including sensitive data, will be kept strictly confidential.
- 27.2 Information presented to the Management Committee, such as repossession court cases, will protect tenant identities. Names, addresses, and household member details will remain confidential.
- 27.3 Tenant information will not be disclosed to third parties without written consent, except for parties bound by the **Information Sharing Joint Protocol**, including **Police Scotland, Glasgow City Council** and other **Registered Social Landlords**.

## **28. Monitoring and Reporting**

- 28.1 The Management Committee will regularly monitor and report on antisocial behaviour cases, legal actions, and court outcomes to assess the effectiveness of the policy and inform future reviews.
- 28.2 Indicators from the **Scottish Social Housing Charter**, reported annually through the **Annual Return on the Charter (ARC)**, will also be provided to the Management Committee.

## **29. Audit Trail**

- 29.1 An audit trail will be maintained for each antisocial behaviour case to document the rationale for policy escalation stages.

## **30. Review**

- 30.1 This policy will be reviewed every three years or sooner to:
- Comply with changes in legislation, rules, regulations, and guidance.
  - Comply with changes within the Association and also changes in best practice.