



Policy Title	Anti Social Behaviour Policy
Date of Approval	May 2019
Date of Review	May 2019
Reviewed by	Michael Gallagher

1 Introduction: Statement of Objectives

West of Scotland Housing Association (WSHA) aims to ensure all our tenants in our wide range of rural and urban communities received the same high standard of service in relation to neighbourhood management. The anti social behaviour policy aims to create and maintain conditions in which tenants can enjoy their home and surroundings in peace, without unreasonable disturbance from others.

Our objectives are:

- **To be efficient and proactive in fulfilling our legal obligations as a landlord**
- **To ensure that tenants fulfil their legal obligations in relation to their tenancy agreement**
- **To focus on prevention and early intervention where appropriate**
- **To develop a multi agency approach to resolving disputes that we cannot resolve independently**
- **To ensure that tenants are kept regularly up to date on the status of their complaint.**
- **To Monitor and reviewing incidents of anti social behaviour, identifying trends and intervening appropriately**

Anti-social behaviour is referred to in our Tenancy Agreement as being an activity, conduct, or speech that causes, or is likely to cause harassment, alarm or distress to another person.

This is based on the definition used in the Anti Social Behaviour (Scotland) Act 2004. The policy also reflects the new landlord powers introduced by the Housing (Scotland) Act 2014.

2. Our Principles in dealing with Anti-Social Behaviour,

- We should deal appropriately with the different types of anti-social behaviour. This means we need a broad range of different types of action we can take.
- We will record all complaints we receive. We will respond within time limits for different types of complaint and keep the complainant informed of developments.
- We will work with our partners, including the police, local authority anti-social behaviour teams and community groups, to deal with anti-social behaviour.
- We will treat all complaints seriously and confidentially in line with data protection laws.
- We will not give the name of the complainant to the person complained about. However, given the nature of some complaints it may be obvious who has made the complaint.
- Where the tenant or member of the household has been convicted for the supply of drugs from their home, we will always seek legal advice about possible court action to repossess the house or consider other legal remedies.
- We will monitor how effectively we deal with anti-social behaviour and, where appropriate, report this to our committees.
- We will ensure we provide sufficient resources to enable our staff to deliver this policy.

3. Prevention

We will use the various resources of the Association in trying to prevent anti-social behaviour occurring. Often the best source of information and prevention is our communities. We will continue to ensure that we liaise with community groups and individual community representatives to build awareness of local issues and problems. We will work with communities and partners to promote or provide diversionary projects for young people.

4. Building homes and communities.

- **Sound-proofing of new houses**

We will ensure all our new houses are built in accordance with current building standards for sound insulation to reduce the potential sources of friction between neighbours.

- **Layout of estates**

We will consult with the Police to ensure our new build estates are 'secure by design'. We will also consult with tenants to check whether the estate design has contributed to any anti-social behaviour. We will use this information to inform future designs.

5. Allocating houses

- The Association must, and will, comply with the legal obligations set out in the Housing (Scotland) Act 2001 when allocating properties and the provision of the Housing (Scotland) 2014 Act..
- We may suspend applicants on our own waiting list who have been evicted for anti social behaviour, or had an Anti Social Behaviour Order granted against them within last three years. We may also suspend those with a notice of proceedings. All such cases will be considered on an individual basis.
- If we house someone who has had an Anti-Social Behaviour Order granted or has been evicted in last three years, we may offer a Short SST.
- We acknowledge the rights of all people in housing need to gain access to Registered Social Landlord housing. However, we also recognise that insensitive or inappropriate allocations can contribute to neighbour disputes. Our Allocations Policy will therefore consider sustainability in the letting process.
- Local Lettings Plan - we will consider developing a local lettings plan in consultation with a local community where this may assist in developing a sustainable community. Such a plan would meet all the Association's legal obligations.

6. New Tenants

- At pre-allocation visits we will make prospective tenants aware of their tenancy responsibilities.
- At the sign-up we will again highlight to tenants the behaviour expected of them, their families and any visitors as detailed in the tenancy agreement.

- The Association will seek to obtain assistance from Support Agencies for tenants who may benefit from support.

7. Receiving Complaints

- All anti social behaviour complaints will be recorded on Streetwise.
- We will send a standard letter to the complainant to confirm that we have received the complaint. This will state the date the complaint was received, the target date for a response and the categorisation level the complaint has been assessed at.
- Complaints can be reported by phone, in writing, by email, by text or in person.
- Anonymous complaints will be recorded and acted on appropriately.

8. Streetwise

The Association uses this IT package to record, monitor and analyse all reported anti social behaviour. This system allows local officers to ensure all action is taken within local agreed targets and it assists in identifying hotspot areas and persistent offenders. It also allows for analysis of time and costs associated with Anti Social Behaviour.

In addition to the categorisation of reported anti social incidents, we also record intelligence information reported to officers.

9. Categorising Complaints

There are different levels of anti-social behaviour. Some need to be dealt with more quickly than others and the appropriate response will depend on the level of urgency.

The Housing Officer will categorise each complaint before the standard letter is sent to the complainant. Officers will use the following criteria to categorise complaints.

The three categories we will use are:

- **Category One – Exclusively a Tenancy Issue**
These are mainly lower level complaints e.g. dog fouling, litter, behaviour etc.

All category one complaints will be responded to within 5 working days.

- **Category Two – A Criminal Matter and a Tenancy Issue**

These are incidents which are a breach of the tenancy agreement and which may also constitute a criminal act, e.g. excessive noise, threatening and abusive behaviour, vandalism, and damage to Association property.

All category two complaints will be responded to within 3 working days.

- **Category Three – Primarily a Criminal Matter**

These are incidents which constitute a serious criminal offense, e.g. drug dealing, unprovoked assault, violence, and serious harassment.

All category one complaints will be responded to by the end of the next working day.

10. Investigation Procedures

Once we have received a complaint we will carry out an investigation into the alleged anti-social behaviour. Normally the procedure would follow the undernoted process:

- Interview complainant
- Interview any witnesses/neighbours (where appropriate)
- Gathering relevant information – often from police or other agencies
- Interview alleged perpetrator
- Take appropriate action

The Association is not obliged to act on all complaints receive, and indeed it may not be possible to take action in all cases. However where we do take action we will ensure that the complainant is kept informed throughout the process.

11. Possible action and remedies

The principle underlying any action will be to change the behaviour of the alleged perpetrator. There are a range of actions which the Association may use depending on how severe the anti-social behaviour is; these include:

- Verbal warnings
- Warning letters
- Acceptable behaviour contracts
- Anti-social behaviour orders (ASBOs)
- Court action to repossess the tenancy
- Mediation

- Management transfer

12. **Short Scottish Secure Tenancy**

The Housing (Scotland) Act 2014 introduced changes to the use of the short Scottish Secure Tenancy (SST), particularly in relation to anti social behaviour. A SSST is aimed at encouraging tenants, or members of their household who repeatedly engage in anti social behaviour, to stop the behaviour and sustain their tenancy, by taking away their tenancy rights without the need for court action.

Landlords now have the right to give a short SST to a prospective tenant in cases where the prospective tenant, visitors to their current accommodation, or anyone who is likely to live with them in their new property, has within the last 3 years behaved anti socially towards another person living in, visiting or carrying out lawful activity in the locality of a house occupied by the prospective tenant, or by a person who it is proposed will live with the prospective tenant.

The Housing (Scotland) Act 2014 sets a new term of 12 months for a short SST given on any of the anti social behaviour grounds and gives flexibility to extend for a further 6 months where support is in place and improved behaviour is evident.

The Act also allows landlords the following:

- Without going to court, to give a short SST to a new tenant where that tenant, or other specified person, has demonstrated anti social behaviour within the previous 3 years.
- Without going to court, to convert a SST to a short SST, where an existing tenant or other specified person has demonstrated anti social behaviour within the previous 3 years.
- Automatic conversion to a SST at the end of the 12 month term for a short SST given on any of the anti social behaviour grounds, unless the landlord has taken action to extend the tenancy for a further 6 months, or has taken action to repossess the tenancy.

Tenants have a right to appeal to the courts if they are not satisfied with the type of tenancy offered by the landlord or with the conversion of their existing SST to a short SST.

13. Closing Cases

In line with guidance from the Scottish Housing Regulator, the Association will close a case when it believes we have done all within our power to resolve a case or has referred the case on to the appropriate agency. The complainant will be notified of such with a reason given. Our locally agreed target is to resolve cases or to refer on to an appropriate agency within 28 days of receipt of a complaint.

We will do a regular survey of tenants who have been subject to anti social behaviour to gain their views on how we handled their complaint.

14. Area Based Approaches

Although we strive to be consistent within this policy, we do recognise that we need to be flexible and responsive to local issues. This may involve working with other agencies on local initiatives to tackle particular problems. We have particular partnership arrangements for our stock within the various local authorities in which we operate.

Services available to us in our operational areas are:

Glasgow: We procure the services of Community Safety Glasgow (CSG) where we have a referral contract for cases, particularly those where legal action is appropriate. We have a designated officer allocated to us for also us by CSG.

Ayrshire: We have informal agreements for advice and support with all the Anti Social Behaviour sections in East, North and South Ayrshire council areas.

North Lanarkshire: The service level agreement with North Lanarkshire council offers a free advice service and out of hours response service to locally operating RSLs. Council responders will attend out of hours incidents as required and may serve as witnesses in court cases if required.

South Lanarkshire:

South Lanarkshire has a Problem Solving Unit which links community safety with police. The unit is a valuable source of help and information which we can freely access. We also have a Service Level Agreement with SLC for use of anti social behaviour investigators.

15. Monitoring

We will record details of the number of complaints received by category and by action taken and report these figures to the Management Board on a quarterly basis.

We will also report details to the Scottish Housing Regulator as required by their annual regulatory return. The Scottish Housing Regulator has identified a number of key indicators relevant to estate management by which it will measure landlord performance, including,

- Estate management, anti social behaviour, neighbour disputes and tenancy disputes – tenants and others live in well maintained neighbourhoods in which they feel safe.
- Value for money – tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay

16. Enforcing the Tenancy Agreement

We will take prompt action against tenants who breach their tenancy agreement. This action will initially be a warning letter or an interview to discuss the issue.

In the event of a continual breach of the agreement, the action will be escalated and may lead to legal action such as an Anti Social Behaviour Order or a Notice of Proceedings being raised.

Our Anti Social Behaviour procedures contain full details of how we deal with breaches of the tenancy agreement in relation to anti social behaviour or neighbour disputes

17. GDPR

All personal data is processed in line with the General Data Protection Regulations (GDPR). Full details of what data we process, why and how we process personal data can be found in our tenant data protection statement.

17. Policy Review

This policy will be reviewed every three years.