



# ANTI-SOCIAL BEHAVIOUR POLICY

Date Approved	Proposed Review Date
25 August 2022	2025

The information in this document is available in other languages or on tape/CD, in large print and also in Braille.  
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<b>Regulatory Compliance</b>	Standard 1 The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.
<b>Financial Impact</b>	Medium
<b>Risk Assessment</b>	Low

## **Introduction**

At Abronhill Housing Association we are committed to ensuring our tenants can enjoy peace and quiet in their own homes. The overall aim of this policy is to ensure that all our tenants and their neighbours can enjoy their homes while causing the minimum of disturbance to others.

Anti-social behaviour is a very complex issue. Often what feels like a nuisance to some can have a very negative impact on others. We understand the effect that anti-social behaviour can have on our tenants and others who live in the local area. This policy explains our approach to tackling reports of anti-social behaviour.

This policy aims to comply fully with the requirements of legislation. It also reflects Abronhill Housing Association's commitment to meeting Outcome 6 of the Scottish Social Housing Charter which states that, "Social landlords, working in partnership with other agencies, help to ensure that tenants and other customers live in well maintained neighbourhoods where they feel safe".

Our approach to tackling anti-social behaviour aims to sustain tenancies and prevent homelessness wherever possible. In relation to anti-social behaviour we will:

- take all appropriate steps to assist and ensure that tenants adhere to their conditions of tenancy.
- commit to ensuring that appropriate support and advice is available to tenants to assist them in conducting their tenancy in an appropriate manner. Where steps agreed with a tenant are not adhered to we will ensure that appropriate intervention takes place to assist the tenant wherever possible prior to taking any legal action as outlined below. This can involve North Lanarkshire Council, Police Scotland and appropriate health and social care partnership (HSCP) staff and voluntary sector projects.

Our practice in relation to anti-social behaviour will be governed by the principle that the best means of improving quality of life is to stop the behaviour if possible.

### Anti-Social Behaviour Policy Focus Group

In July 2022 the Association invited residents to join staff to discuss how anti-social behaviour impacts their lives. We had a wide ranging discussion of local issues and views relating to how many various forms anti-social behaviour takes.

It was clear that different people are impacted by different things and the view of what causes an individual the greatest harm depends on personal factors and personal experiences. There was however a recognition that timescales for dealing with issues should vary with their nature.

There was an appreciation that a single approach did not suit all situations and it was sometimes important to work with other agencies. The following reviewed policy reflects our attempt to create a flexible and fit for purpose approach to dealing with the problem of anti-social behaviour.

## **What is anti-social behaviour**

The Antisocial Behaviour etc. (Scotland) Act 2004 says that a person is involved in anti-social behaviour if they:

- Act 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 of the same household.

‘Conduct’ could include what people say. A course of conduct means something that has happened on at least two occasions.

Behaving in an anti-social way can cover a wide range of unacceptable behaviour. Examples of the type of behaviour it might include are:

- Persistent aggressive or abusive behaviour towards neighbours.
- Harassment – this may or may not be motivated by prejudice or discrimination based on protected characteristics.
- Drug related activity.
- Noise nuisance (due to lifestyle differences NOT general day to day living noises). This might include playing loud music, persistent barking of a dog
- Vandalising or damaging common living areas such as stairways or shared spaces. This might include setting fires or drawing graffiti.
- Mistreating shared spaces and the local area, including fly-tipping or allowing dog fouling.

Our Tenancy Agreement sets out that all tenants must have respect for others. This applies to tenants, those living with tenants, and visitors to the tenant’s home. They must not harass or act in an anti-social manner to, or pursue a course of anti-social conduct against any person in the neighbourhood. The definition of people in the neighbourhood includes residents, visitors, Abronhill Housing Association staff, agents and contractors of Abronhill Housing Association.

Further information about the main legislation dealing with anti-social behaviour is set out in Annex A.

## **Our policy objectives**

The overall objectives we are looking to deliver through this policy are that we will:

- Be proactive in fulfilling our legal obligations as a landlord. This will include ensuring that tenants meet the legal obligations set out in their tenancy agreement.
- Treat all complainants with respect and offer them support throughout the complaints process.
- Work proactively with other organisations to take a multi-agency approach to tackling anti-social behaviour.
- Give clear guidelines to staff, supported by written procedures, on how to deal effectively with reports or incidents of anti-social behaviour or harassment.

## **Targets for contacting complainants**

We aim to resolve complaints about anti-social behaviour as quickly as possible. We will try to resolve them at an early stage to avoid them escalating into more serious problems.

There are different types of anti-social behaviour and the speed with which we will act may depend on the severity of the reported behaviour.

We have set out five categories in the table below and for each category we have given the maximum number of working days within in which we aim to make contact. A Housing Officer is most likely to be in touch, either by telephone or to suggest a meeting at our offices. If the matter is reported directly to a Housing Officer this will be treated as the initial response to the complaint.

Category	Characteristics	Response time (working days)
Violence and harassment	Behaviour deliberately intended to intimidate or harm an individual or member of staff, drug dealing, unprovoked attacks or serious damage to property.  Police involvement would be expected.	1
Serious anti-social behaviour	Cumulative complaints, unacceptable behaviour such as threatening and abusive behaviour and persistent breach of tenancy.  Police involvement would be expected.	2
Anti-social behaviour	Complaints of a more serious nature such as excessive noise or disturbance, vandalism.  There may be Police involvement.	3
Neighbour nuisance	Complaints of a minor nature but that are a breach of tenancy, such as occasional loud music, door banging, dog-barking etc.	5
Local environmental nuisance	Complaints of a minor nature but that are not a breach of tenancy, such as dog fouling, fly tipping etc.	5

Each complaint will be different and the time it takes to resolve an anti-social behaviour complaint will depend on the nature of that complaint.

We will aim to resolve anti-social behaviour complaints as soon as possible and in straightforward cases within 20 working days of the complaint being made.

However, there will be occasions on which this will not be possible, particularly if serious anti-social behaviour or violence and harassment is involved.

We will keep any case open for as long as required and in particular for as long as it is in the best interest of the complainant, our tenants and others living in the local area.

Where a complaint of anti-social behaviour made to us appears to constitute a hate crime, the complainant will be encouraged to report the incident(s) to Police Scotland either directly or via ourselves as a Third Party Reporting Centre.

## Our approach

We will be positive and supportive in our approach and anyone who comes to us to report anti-social behaviour will be treated with courtesy, respect and fairness. Our housing staff will investigate all complaints and concerns and will support the complainant throughout the process.

If it is appropriate we will work with other agencies to help to resolve complaints and concerns. The use of mediation and other forms of intervention will be tried in order to resolve complaints without the need for legal action. We will co-operate with other agencies including Police Scotland, North Lanarkshire Council and Scottish Fire & Rescue Service to identify those involved in anti-social behaviour and in causing nuisance or distress to our tenants.

We will consider the best action to take on a case-by-case basis and we will seek to resolve cases of anti-social behaviour informally where possible. If the complaint is of a minor nature we may encourage residents to resolve the problem themselves without the formal involvement of the Association. However, if required, we will use the range of measures available such as Acceptable Behaviour Contracts (ABCs), Unacceptable Behaviour Notices (UBNs) and Anti-Social Behaviour Orders (ASBOs). In serious cases eviction action based on breach of tenancy conditions may be considered.

**Acceptable Behaviour Contracts:** This is a voluntary agreement between the person who is behaving anti-socially and any other relevant people (for example, ourselves as the landlord, the police, or social workers). The aim of the ABC will be to help the person who is behaving anti-socially to understand how it affects other people and to stop behaving in that way.

**Anti-Social Behaviour Orders,** in conjunction with Police Scotland and North Lanarkshire Council: Sheriffs can now grant an ASBO or interim ASBO against an individual aged 12 or over who is repeatedly involved in anti-social behaviour and where existing options are not working. Interim ASBOs can be made before the full evidence is heard if there is a pressing need to protect people.

**Tenancy-related legal action:** We will work with tenants to support and sustain their tenancy but in extreme cases we may need to take action which results in a tenant losing their home. In cases of conviction for serious criminal activity in or around the tenancy location, we will seek to bring the tenancy to an end except in exceptional circumstances. In these circumstances, the Management Committee will review the case and agree the course of action to be taken. We will also contact North Lanarkshire Council where there is an intention to take legal steps to evict.

We may also use our powers to convert a Scottish Secure Tenancy to a Short Scottish Secure Tenancy with the provision of appropriate support. If we are planning to convert a current tenancy into a Short Scottish Secure Tenancy because of anti-social behaviour we will seek to arrange a joint discussion between ourselves, our tenant, and any other appropriate services. We will make our tenant aware that they have a right to be accompanied by an independent advocate.

The purpose of the Joint Discussion is to discuss the problem, explain to the tenant the seriousness of the problem and to develop a plan of action to prevent eviction and deal with the anti-social behaviour. The Joint Discussion will also examine the impact that any proposed eviction or ASBO would have on children or other vulnerable family members.

If the arrangements put in place following a Joint Discussion breakdown we will notify other agencies at the earliest opportunity.

## **Working with the complainant**

We are committed to supporting individuals who are affected by anti-social behaviour. We appreciate that it can be difficult to report incidents of anti-social behaviour and in particular to come forward to act as a witness.

We will keep in regular contact with complainants and we will be in touch at least once a fortnight until the complaint is resolved. We will also give any complainant a named member of Abronhill Housing Association staff whom they can contact at any time during working hours to discuss the progress of their complaint. When we have resolved a complaint, we will write to the complainant within 5 working days setting out the outcome of their complaint.

### **Working with others**

There are a number of organisations, both statutory and voluntary, that may be able to prevent complaints from recurring or escalating or may be able to resolve complaints through direct intervention. Organisations that may assist in resolving anti-social complaints include:

- Police Scotland.
- Anti-Social Task Force, North Lanarkshire Council. This team provide a wide range of services including a night noise service and a witnessing service.
- Other North Lanarkshire Council services, including Environmental or Cleansing Services, Social Work Services or Community Justice Services.
- Other appropriate Health and Social Care Partnership staff.
- Scottish Fire & Rescue Service.

The Police, Social Work Services, and other services may be involved in resolving anti-social behaviour complaints depending on the type of complaint. Voluntary agencies, such as Victim Support Scotland, may also be usefully involved where they provide support, information, and advice to people who are affected by anti-social behaviour.

### **Neighbour disputes involving owners or people renting from a private landlord**

Anti-social behaviour may involve our tenants but could also involve people who own their home or who are renting from a private landlord. We treat complaints from or about owners and those renting in the private sector seriously and give advice and take action where we can. We will work with other agencies, including the Police if appropriate, to try and resolve any problem. There are some occasions, however, when we may not have the powers to take further action.

### **Confidentiality**

We will treat all reports of anti-social behaviour confidentially and will not disclose information to third parties or other organisations without the complainant's consent. The only exceptions to this will be in cases where we have a legal or statutory duty to do so. If the complaint involves allegations of criminality the complainant will be advised that we will pass the matter to the Police.

All interviews and conversations with customers about personal and sensitive matters will be carried out in private.

### **POLICY REVIEWS/CONSULTATION**

The anti-social behaviour policy will be reviewed every 3 years or more frequently if required. Targets, procedures and working methods may be altered more frequently, where the Association's monitoring of policy outcomes indicates this is needed.

The Association will publish information annually about its performance in managing anti-social behaviour complaints and cases. We will also seek feedback from tenants about the operation of the policy through regular satisfaction surveys and any other appropriate methods including focus groups.

In updating this policy, tenants and Committee members and Housing Management Staff were consulted via the Association's Focus Group. North Lanarkshire Council and Police Scotland were also consulted on the policy and fully support its aims and implementation methods.

## **DATA PROTECTION**

Abronhill Housing Association will treat tenants' personal data in line with its obligations under the current General Data Protection Regulation and its own Privacy Statement. Information regarding how tenants' data will be used and the basis for processing data is provided in the Association's Privacy Notice.

## **EQUAL OPPORTUNITIES**

The Association will seek to ensure that in implementing this policy that no group, organisation or individual will receive less favourable treatment or be discriminated against regardless of their race, colour, ethnic or national origin, language, belief, age, sex, sexual orientation, gender realignment, disability, marital status, pregnancy or maternity. We will positively endeavour to achieve fair outcomes for all.

## **COMPLAINTS**

Any tenant who feels aggrieved by their treatment under this policy can ask for a copy of the Association's Complaints Handling Procedure which is available on the Association's website or from our office. Any tenant making a complaint will be advised of their right to complain to the Scottish Public Services Ombudsman.



## **Annex A - Anti-social Behaviour related legislation**

The main legislation dealing with anti-social behaviour is the Anti Social Behaviour etc (Scotland) Act 2004 and the following is a summary of the very broad range of measures contained within the 2004 Act. This legislation covers matters contained in related UK legislation in the Crime & Disorder Act 1998 and Anti-Social Behaviour Act 2003.

**Part 1 – Anti-Social Behaviour Strategies:** The local authority, the local police and RSLs must ensure that local communities are involved in drawing up a strategy for tackling anti-social behaviour.

**Part 2 – Anti Social Behaviour Orders (ASBOs):** RSLs can now seek ASBOs through the courts and the use of ASBOs has been extended to cover 12 – 15 year olds.

**Part 3 – Dispersal of Groups:** The Police have powers to disperse groups where they are causing nuisance or annoyance, or people in the vicinity are being subjected to harassment of any kind.

**Part 4 – Closure of Premises:** The Police have powers under the 2004 Act to close premises where drug-dealing or other anti-social behaviour is taking place.

**Part 5 – Noise Nuisance:** The 2004 Act extends the powers available to the local authority to tackle noisy neighbours, seize equipment, etc.

**Part 6 – The Environment:** Increased penalties for dropping litter, fly tipping, causing graffiti, and abandoning cars have been provided to local authorities under the 2004 Act.

**Part 7 – Housing: Anti Social Behaviour Notices:** Private sector landlords must take reasonable steps to manage or stop anti-social behaviour occurring at properties let by them.

**Part 8 – Housing: Registration Areas:** A National Landlords Registration Scheme has been introduced and the local authority has powers to deal with private sector landlords who fail to tackle anti-social behaviour by their tenants.

**Part 9 – Parenting Orders:** The 2004 Act includes the issuing of these orders requiring parents to act in the best interests of their children.

**Parts 10, 11 and 13:** These parts of the 2004 Act are more general and do not relate directly to housing or social landlords.

**Part 12 – Children’s Hearings:** Children’s Hearings now have an extended range of options for dealing with children involved in anti-social behaviour.