



Anti-Social Behaviour Policy 2018

Approved: March 2018
Review Date: March 2021

If you have difficulty with sight, or if you require a translated copy of this policy, we would be pleased to provide the information in a form that suits your needs.

Introduction

At Govanhill 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 Govanhill 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 Govanhill 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 is in line with the Sustaining Tenancies and Preventing Homelessness Statement of Best Practice for Joint Working between Glasgow Health and Social Care Partnership and Registered Social Landlords. In relation to anti-social behaviour this statement sets out that:

- RSLs will take all appropriate steps to assist and ensure that tenants adhere to their conditions of tenancy and follow their policies on anti-social behaviour.
- RSLs are committed 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 RSLs 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 Community Safety Glasgow, Police Scotland and appropriate HSCP staff and voluntary sector projects.
- Where all possible measures have been exhausted, steps will be taken in accordance with RSLs Policies and Procedures.
- Best 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.

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.
- Drug related activity or persistent nuisance and threatening behaviour as a result of alcohol abuse.
- 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.

We recognise that harassment is a particular form of unacceptable behaviour. We have a separate Racial Harassment Policy for responding to harassment where behaviour is motivated by prejudice or discrimination based on race. However, race may be an element in more general cases of anti-social behaviour. In such cases both the Racial Harassment and this policy will apply. This policy will also apply to cases of harassment involving disability, religion or belief, gender, or LGBTI issues.

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, Govanhill Housing Association staff, agents and contractors of Govanhill 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 agencies, as part of the wider group of Glasgow landlords and other organisations taking 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 or a Senior 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 or Senior 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, rubbish dumping. 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. In these cases, we will aim to resolve cases according to locally agreed targets. These targets will be agreed with local partners and will be reviewed on a regular basis.

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 Govanhill.

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, including Glasgow Community Safety Services, 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, Glasgow Community Safety Services 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. 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 Glasgow City 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. We will contact the Health & Social Care Partnership where there is an intention to seek an ASBO or interim ASBO. Further information is set out below.

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 Housing Services Sub-Committee will review the case and agree the course of action to be taken. We will also contact the HSCP 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, an appropriate representative of the HSCP and 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 the HSCP 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. Where possible and appropriate we will aim to use evidence from professional witnesses. We will also promote the services of Victim Support Glasgow to assist individuals who are victims or witnesses of anti-social behaviour and harassment.

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 Govanhill Housing Association staff whom they can contact at any time 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

The Glasgow City-wide approach to tackling anti-social behaviour recognises that effective responses to anti-social behaviour will include preventive and diversionary measures as well as work with perpetrators to support and sustain changes in behaviour.

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.
- Community Safety Glasgow. Community Safety Glasgow provide comprehensive mediation services to all social landlords, their tenants, and residents involved in disputes.
- Glasgow City 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.

Translations and Interpreters

Our Anti-social Behaviour Policy can be made available in other formats and other languages where required.

We employ staff who can speak a number of community languages. You can speak to them about any aspect of our services. Please contact our switchboard on 0141 636 3636 for details. We will also use external interpreters to assist us with other language requirements that we cannot meet in-house.

Complaints and appeals

We have a complaints policy which covers failures in our service and our standards of service delivery. You can get information leaflets explaining the complaints policy from our office and it is also available on our website.

If you have gone through the complaints procedure and you are still not happy, the Scottish Public Services Ombudsman may take up the matter for you. Write to:

Scottish Public Services Ombudsman
4 Melville Street
Edinburgh
EH3 7NS.

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.