



Langstane Housing Association

Anti Social Behaviour Policy

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| Version | V4 |

| Policy Version | Date of Approval | Changes made to Policy |
|-----------------------|-------------------------|---|
| Version 1 | 21 July 2011 | First issue |
| Version 2 | 13 May 2017 | Updated in line with operational changes and updated guidance |
| Version 3 | 11 March 2021 | <p>New template – text moved round to make the policy flow</p> <ul style="list-style-type: none"> • Introduction to include LPL • Updated Business Plan links • Litter removed from ASB examples • Social Housing Charter requirements added • Links to other policies and strategies updated • 4.3 Wording updated to ensure the Association takes responsibility as well as the police – this assists with meeting the views of tenants in the consultation. New sentence added to support victims of anti social behaviour • Streamlined eviction process added as per case law – this also assist in taking tenants' views into consideration with robust actions • Human Rights reference to Article 8 added • Roles and responsibilities defined • Equalities information updated in relation to harassment |
| Version 4 | 21 February 2023 | <p>Roles and responsibilities added to take account of internal audit recommendations on authorisation of court, legal actions and evictions.</p> <p>A full review to be carried out by March 2024</p> |

1. Introduction

Langstane Housing Association is a Co-operative and Community Benefit Society, and a registered social landlord with charitable status. The Langstane Group (the Group) consists of Langstane Housing Association Limited and its wholly owned subsidiaries.

This policy applies to Langstane Housing Association and Langstane Property Limited.

Anti social behaviour can manifest itself in many ways, often depending on local circumstances, and can range from minor episodes of behaviour to serious criminal activity. Examples of anti social behaviour include, but are not limited to, the following:

- harassment and intimidating behaviour
- behaviour that creates alarm, distress or fear
- noisy neighbours
- drunken and abusive behaviour
- vandalism, graffiti and other deliberate damage to property
- nuisance from vehicles, including parking and abandonment
- failure to control animals and pets
- use or sale of drugs or other substances

The Antisocial Behaviour etc. (Scotland) Act 2004 and the Housing (Scotland) Act 2001 ('the 2001 Act') set out a range of measures that landlords and their partner agencies can take to help address antisocial behaviour.

- Section 143 of the Anti Social Behaviour etc. (Scotland) Act 2004 defines anti social conduct as:

'A person engages in anti social behaviour if he/she:

- a) Acts in a manner that causes or is likely to cause alarm or distress; or*
- b) 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.'*

This is mirrored in the Association's Scottish Secure Tenancy Agreement which defines anti social conduct as:

'causing or likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to anyone's property. Harassment of a person includes causing the person alarm or distress. A course of conduct must involve conduct on at least two occasions.'

As required by Section 31 of the Housing (Scotland) Act 2010, Scottish Ministers set out in the Scottish Housing Charter the standards and outcomes that all social landlords should aim to achieve when performing their housing activities. In relation to Standard 6:

Social landlords, working in partnership with other agencies, help to ensure as far as reasonably possible that:

- *tenants and other customers live in well-maintained neighbourhoods where they feel safe.*

This policy contributes to the following aims and objectives of the business plan and re-affirms the Charter outcomes to:

- Improve service delivery standards for tenants and other customers
- Create identifiable neighbourhoods that are safe, attractive places to live

2. Aims and Objectives of the Policy

Langstane Housing Association aims to improve quality of life for tenants by creating and maintaining sustainable communities in which anti social behaviour is unacceptable. In particular:

- To provide a safe and comfortable living environment for tenants
- To ensure that expectations of stakeholders are managed appropriately
- To achieve realistic targets for response repairs required to deal with the results of anti social behaviour
- To support tenants who are the victims of anti social behaviour.
- To support tenants to address anti social conduct where appropriate
- To use mediation, conflict resolution, and management initiatives in the first instance to resolve anti social behaviour
- To use the appropriate legal framework when preventative and management approaches have failed
- To work in partnership with other agencies such as the police or social work services e.g. reporting of hate crimes using agreed protocols
- To ensure that all customers are treated equally, and in a manner that is sensitive to their individual needs

The policy provides guidance and clarification for staff and tenants who are involved with instances of anti social behaviour. It aims to do this through prevention, promoting positive behaviour, encouraging understanding and promoting positive outcomes.

3. Links to other strategic documents and policies

The Anti Social Behaviour Policy is linked to a number of strategic documents and policies in particular but not solely:

- Allocation Policy
- Complaints Policy
- Harassment Policy
- Privacy Policy
- Equality and Diversity Policy
- Responsive Repairs Policy
- Tenancy Sustainment Strategy
- Equality and Diversity Strategy

4. Policy

The Association is committed to resolving anti social behaviour issues using a number of methods including legal action, mediation, conflict resolution and warnings. The priority will always be to resolve the issue however, in exceptional cases where there is no reasonable alternative, resettlement may be considered.

If a tenant however breaches the conditions set out in their tenancy agreement as a result of anti social behaviour this may result in legal action being taken to evict them.

The Association will work with Aberdeen City, Aberdeenshire, and Moray Councils and other agencies to discuss appropriate remedies for anti social behaviour, including Anti Social Behaviour Orders (ASBOs) when necessary.

The Association has in place an information sharing protocol with partners that will be used to build an evidence base for any action taken against perpetrators of anti social behaviour.

4.1. Preventing Anti Social Behaviour

The Association seeks to prevent neighbour disputes and instances of anti social behaviour by:

- ensuring appropriate support is made available for applicants who accept a tenancy with the Association, and are identified as having a support need
- ensuring all new tenants are advised of their responsibilities and the Association's responsibilities as landlord when signing their tenancy agreement
- providing good quality information concerning anti social behaviour in the Association's tenant handbook, website, leaflets and articles in the tenant newsletter
- completing new tenant welcome calls/visits within 6 weeks of signing a tenancy agreement and ensuring the tenant is aware of their responsibilities, and is not experiencing any difficulties in their new home or neighbourhood
- considering suspension of an application, dependent on individual circumstances and in line with provisions within the Allocation Policy
- regularly inspecting Association developments to ensure compliance with tenancy conditions
- work closely with other organisations to address issues that have arisen in neighbourhoods before they escalate and become anti social

4.2. Categories of Anti Social Behaviour

There are 3 categories of anti social behaviour. Each category has a timescale for how long it should take to respond to and resolve a situation. Timescales are designed to reflect complexity of different issues and staff will prioritise accordingly.

- A (28 days): Harassment, Drugs, Prejudice, Criminal Damage, Assault
- B (21 days): Noise, Neighbour Nuisance, Failure to control animals
- C (14 days): Fly tipping, dog fouling

4.3. Dealing with Anti Social Behaviour

Procedures are in place to enable staff to respond timeously and appropriately to complaints of anti social behaviour and to ensure that any damage caused by anti social behaviour is dealt with within agreed timescales. These procedures provide a range of options for handling and addressing anti social behaviour. The process works on an escalating basis, and at each stage there is an opportunity for those engaging in anti social behaviour to remedy the situation, without need for further escalation.

Where anti social behaviour is due to lifestyle differences, efforts are made to promote understanding and co-operation between tenants.

Anti social behaviour complaints are investigated by Housing Officers. Where appropriate, complaints are referred to other agencies, such as social work, and an inter-agency approach is adopted to attempt to resolve the issue.

Where an issue goes beyond anti social behaviour to criminal behaviour, this is reported to the police. The Association will work with the tenant and police to resolve issues of anti social behaviour of a criminal nature, including supporting the victims of anti social behaviour. Tenants are given guidance regarding their responsibility to report incidents of criminal behaviour.

4.4. Risk Assessment Matrix

The Association uses a Risk Assessment Matrix based on the Chartered Institute of Housing (CIH) guidance, to assess the level of vulnerability of someone who is experiencing anti social behaviour. A sample copy of the matrix is included as part of the procedures.

This is used to build a path of referral for support for tenants whose welfare is impacted by anti social behaviour. It is used where there have been repeat cases of anti social behaviour to ensure that potentially vulnerable tenants are identified as early as possible and using a consistent approach.

4.5. Actions Available to Resolve Anti Social Behaviour

There are a number of different options available for handling anti social behaviour issues. Some of the examples described below require inter-agency working.

Warnings: These warnings can be written or verbal, dependant on the nature of the case and the stage of the process reached. The purpose of a warning is to make a person aware of the impact their behaviour is having on neighbours, and to remind them of the consequences of continuing anti social conduct.

Mediation/conflict resolution methods: This is used to establish common ground and resolve issues without the need for formal court proceedings. Mediation is a specialist service.

Acceptable Behaviour Contracts: This is a written agreement between the individual and the Association. They are intended to promote positive behaviour and can be seen as an alternative to pursuing a more formal Anti Social Behaviour Order (ASBO). These contracts are voluntary but can prevent the Association having to pursue more formal legal action.

Anti Social Behaviour Order: Anyone over the age of 12 can be issued an ASBO by the court. The purpose of an ASBO is to stop a person from behaving in certain ways or doing certain things. ASBOs are not criminal convictions or part of a criminal record but breaking the terms of an ASBO is a criminal offence.

Interdict: This is a civil court order. An interdict directs someone not to do something, or to stay away from a specific person or place. An interdict can be used for any types of behaviour, not just anti social. In certain cases, it may be appropriate to advise a tenant to privately pursue an interdict against a person in order to resolve a situation of anti social behaviour.

Eviction: In the extreme cases, or where all other potential avenues have failed, then a decision to go to court and request an eviction order will be used to resolve the issue.

The Association will have due regard to the Scottish Government's statutory - guidance on a streamlined eviction process where a tenant (or any one of a joint tenant), a person living in, or lodging in the house, a subtenant or a person visiting the house has been convicted of an offence punishable by imprisonment within the previous 12 months.

This streamlined process will be used where (i) serious antisocial or criminal behaviour has already been proven in court; (ii) the behaviour which led to the conviction was in, or in the locality of the tenant's house; and (iii) the landlord considers that eviction action is appropriate, such as to protect neighbours from harm.

Any legal action taken will be clearly communicated with tenants including timescales, what action is to be taken and why, including reference to the legislation and tenancy agreement. The tenant will also be advised of whom to contact for advice and assistance.

Human Rights

The Association will have regard to Article 8 of the European Convention of Human Rights, 'right to respect for private and family life' particularly when considering a proportionate response to the streamlined eviction process

These examples are just some of the available actions for working to resolve anti social behaviour, and this list is not exhaustive. Some of these actions require inter-agency collaboration, or referral to an external agency, and may not be relevant based on local conditions

4.6. Community Harm Statement

Community Harm Statements can be prepared in order to highlight the impact that those involved in anti social behaviour are having on a particular community. This can be used to support any legal action taken, and help build a wider picture of how anti social behaviour affects a community as opposed to an individual. As a result, this process is not used in every case of anti social behaviour, but for more complex or long-standing cases.

A Community Harm Statement can also be used to help inform decision-making by partner agencies that may be involved in trying to resolve the situation. A sample template is included as part of the procedures associated with this policy.

4.7. Things that are not categorised as anti social behaviour

For the avoidance of doubt and to provide clarity to tenants, the following are not classed as anti social behaviour, unless they constitute a wider course of action by the individual or individuals involved:

- being unable to park outside your own home
- DIY and car repairs - unless these are taking place late at night, are on a commercial basis or causing a nuisance
- one-off complaints of noise nuisance e.g. one-off parties
- children playing in the street or communal areas
- people gathering socially - unless they are swearing and intimidating others
- disagreement with another person's lifestyle choices or behaviours, where they are reasonable and do not have a significant impact on other tenants

4.8. Communication

Regular and effective communication with customers who report anti social behaviour is central to the Association's approach. All complaints are taken seriously and will be recorded and investigated. Staff will ensure that all relevant people are kept informed of how the complaint is being dealt with, including clear information about the relevant contact for the case, and timescales at each stage of the process.

Each case will be individually investigated. Upon completion of the investigation a closure letter will be sent to the customer making the complaint. Where template letters are used for long standing cases staff will ensure that letters reflect the individual circumstances of each case.

5. Roles and Responsibilities

Director of Housing

To have an overview of the cause and effect of anti social behaviour on tenants and communities and to ensure that the aims and objectives of the business plan are met. Following a decree granted by Court the Director of Housing may authorise eviction where appropriate and where satisfied that all action possible has been taken.

Housing Manager

To ensure that anti social behaviour is tackled in an effective way, performance targets are achieved and that the policy is adhered to. The Housing Manager will also approve taking forward court and legal actions where appropriate and where justified that this action is appropriate.

Housing Officers

To deal with cases on a day-to-day basis, support victims of anti social behaviour and to the best of their ability resolve cases in a timely manner.

6. Monitoring and Review

All complaints cases are administered on the housing management software. This allows daily monitoring of the anti social behaviour process by the supervisory staff and section manager. Monitoring work includes the following:

- categories of antisocial complaints, and performance against target timescales
- review of outstanding actions
- overview of cases that are in process of legal action
- incidents by tenancy location and local authority reporting area
- incidents involving vulnerable people covered by the Equality and Diversity Policy

Where appropriate, reports are delivered to the Director of Housing.

Right to Complain

In the event you are not satisfied with the service you have received, please contact the Association for a copy of the Complaints Policy, which can also be viewed on the Association's website – www.langstane-ha.co.uk

Equality and Diversity

The Association is committed to promoting equality and diversity across all areas of its work, and discrimination or harassment of any kind is not tolerated.

Where there appears to be evidence that a particular household is being deliberately targeted and subjected to incidents intended to annoy, intimidate or disturb them because of their ethnic background, race, gender, sexual orientation, religion, disability or any other specific personal circumstances then this will be classed as harassment and will be dealt with via the Harassment Policy.

If you would like this document sent to you in large print, please contact Support Services on 01224 423000