



# Cloch Housing Association

## Anti-Social Behaviour Policy

<b>Policy Name</b>	Anti-Social Behaviour Policy (ASB)
<b>Policy Category</b>	HM
<b>Policy Number</b>	036
<b>Approved by</b>	H&PS Sub-Committee
<b>Responsibility of</b>	HM
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<b>Equalities Impact Assessment Required</b>	Yes
<b>Link to other policies</b>	Estate Management, Factoring & Management Fees, Legal Action & Eviction
<b>Consultation</b>	Tenants & other service users
<b>Need for Procedure</b>	Yes

## **POLICY AVAILABILITY**

This policy is available to the public on the Association's website. Copies are also available on request and free of charge from the Association. This policy can also be provided in large print, braille, audio or other non-written format and in a variety of languages, on request.

### **1 INTRODUCTION & AIMS**

- 1.1 The Association will make every effort to ensure that its residents comply with their tenancy or residency conditions and can enjoy living in their homes and communities free from the effects of Anti-Social Behaviour (ASB).
- 1.2 Cloch recognises the harmful effect that ASB can have upon tenants and residents' lives and will act consistently, effectively and proportionately to address causes of ASB within its neighbourhoods, while supporting victims and witnesses.
- 1.3 To achieve this, we will:
  - Take effective action to assist those who are affected or who are victims of ASB.
  - Minimise the impact of ASB through support for victims and witnesses, and by involving and empowering affected communities
  - Support victims and witnesses of ASB and in appropriate circumstances extend support to perpetrators to positively influence behaviour and sustain tenancies.
  - Promote responsible behaviour through education, support, supervision, and restorative justice
  - Provide tenants with the necessary support or help them obtain the necessary support and assistance they require to establish and maintain their tenancies.
  - Work preventatively to reduce ASB at the beginning of tenancies through the promotion of the Tenancy Agreement and new tenant's visits and in appropriate circumstances the provision of Short Scottish Secure Tenancies.
  - Help prevent ASB through education, community initiatives, and prevention measures

- Investigate all reported incidents of ASB in accordance within locally agreed target timescales, taking effective and proportionate action, including legal remedies, where alternative interventions have proven unsuccessful.
- Practice early intervention to prevent situations escalating and where appropriate, the use of alternative approaches to conflict resolution, such as mediation and referrals for support.
- Maintain accurate records relating to ASB and monitor case progress and outcomes, and regularly review our anti-social processes, learning from our experiences and customer feedback.
- Provide tenants with clear information about what we can do in response to a complaint or dispute and to make information available regarding the assistance that can be provided by our partners such as Inverclyde Council, the Police and other agencies and support organisations.
- Recognise the importance of effective communication and keep complainants informed of progress and actions arising throughout the duration of their complaint.
- Work in partnership with all relevant agencies, including Police Scotland and Inverclyde Council's Safer and Inclusive Communities team to identify sources of ASB and strategically target resources to reduce their impact upon individuals and neighbourhoods.
- Develop information sharing and joint working protocols between other agencies concerned with the management of ASB, including Police Scotland, Scottish Fire and Rescue and Inverclyde Council.

#### 1.4 Policy Statement on Drug Misuse

- 1.4.1 The Association recognises that the misuse of drugs can have a serious effect on those who misuse them, their families and their surrounding communities. Involvement with drugs can often have a direct link to ASB, particularly where the supply or sale of drugs is taking place.
- 1.4.2 While each case will be considered on its merits, the Association will normally seek eviction in cases where its tenants, members of their household or visitors to their home have been convicted of the sale or supply of drugs to others in their communities. This will include the cultivation of illegal substances from within our property or the surrounding area.
- 1.4.3 Convictions for the possession of drugs for personal use will not normally result in the Association seeking eviction unless there are other aspects of ASB involved, such as nuisance to neighbours, damage to property, etc. Our approach in each case will be made in conjunction with legal advice regarding opportunities for an eviction decree being granted.

## **2 SCOPE AND PRINCIPLES**

- 2.1 Cloch Housing Association is committed to ensuring that its homes and communities are pleasant and secure places to live. The Association recognises the rights of its tenants and their neighbours to peaceful enjoyment of their homes. The Association expects its tenants to respect the values and lifestyles of others within the community and to act reasonably and with consideration for others.
- 2.2 This policy outlines Cloch Housing's policy on anti-social behaviour (ASB). The policy and associated procedures will outline the way in which complaints are dealt with taking account of current legislative provisions for dealing with ASB and neighbour nuisance.
- 2.3 This policy seeks to comply with good practice guidelines. The policy also reflects Cloch's commitment to Scottish Social Housing Charter Outcome 6: Estate management, ASB, neighbour nuisance and tenancy disputes, 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."
- 2.4 Cloch Housing Association will ensure that staff, board members and tenants are consulted on this policy document. In addition, we will ensure that staff are provided with appropriate training on this policy.

## **3 DEFINITION OF ANTI-SOCIAL BEHAVIOUR**

- 3.1 ASB can manifest itself in many ways, often depending on local circumstances, and can range from a minor irritation to serious criminal activity. In practice, ASB covers a wide range of actions and behaviour including, but not limited to, the following:
- Use or sale of drugs or other substances.
  - Violence or the threat of violence.
  - Harassment and intimidating behaviour.
  - Vandalism, graffiti, and other deliberate damage to property.
  - Behaviour that creates alarm, distress, or fear.
  - Noisy neighbours
- 3.2 Relatively minor breaches of the Association's Tenancy Agreement, such as failure to maintain garden areas satisfactorily, will not normally be classed as anti-social behaviour but will be dealt with under the Association's Estate Management Procedures.

- 3.3 The Anti-social Behaviour (Scotland) Act 2004 defines ASB in the following terms:

"A person engages in anti-social behaviour if they act in a manner or pursue a course of conduct that causes or is likely to cause alarm or distress. This must be to at least one person who is not a member of their own household." Conduct includes speech and to be a course of conduct it must happen on at least two occasions. The general range and scope of ASB can range from relatively minor disputes involving noise and lifestyle clashes to serious and extreme cases including drug dealing, serious harassment, racial abuse and violence.

- 3.4 Cloch Housing will endeavour to adopt a pragmatic approach reflecting the nature and seriousness of the conduct involved.

## 4 LEGAL BACKGROUND & COMPLIANCE

- 4.1 The Anti-social Behaviour Policy meets with legislative and good practice requirements including:

- The Scottish Secure Tenancy (SST)
- Housing (Scotland) Acts 2001, 2010 & 2014
- Housing Scotland Act 1988 (Shared Ownership Occupants)
- Crime and Disorder Act 1998
- Human Rights Act 1998
- Anti-social Behaviour etc. (Scotland) Act 2004.
- Equality Act 2010
- Children (Scotland) Act 1995
- General Data Protection Regulation 2018

- 4.2 The ASB Policy complies with the following regulatory requirement contained in the Social Housing Charter:

**"Neighbourhood and Community 6: Estate management, Anti-social behaviour, neighbour nuisance and tenancy disputes**

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."

## **5 NEIGHBOURHOOD MANAGEMENT / ESTATE MANAGEMENT**

- 5.1 It is understood that safe neighbourhoods are those that are clean, as well as free from ASB and fear of crime. Cloch Housing is, therefore, committed to reducing problems of vandalism, graffiti, litter, dogs, and abandoned cars by increasing awareness and social responsibility, taking legal action to deal with problems and working effectively with Inverclyde Council and Police Scotland.
- 5.2 The Association will carry out regular inspections of all our estates and common areas to ensure they are maintained to an acceptable standard and that residents comply with their tenancy conditions or Deeds of Conditions.
- 5.3 Where residents do not comply with their estate management obligations, we will endeavour to resolve the issues by means of liaising with residents involved and where necessary contact with other agencies. For more information, please refer to the Association's Estate Management Policy.

## **6 WHAT RESIDENTS CAN DO TO HELP TACKLE ANTI-SOCIAL BEHAVIOUR**

- 6.1 Cloch Housing cannot tackle ASB alone. There are several things that we will expect our tenants, and other residents, to do to help us. These are:
- Being aware of the diverse society we live in and show tolerance to other people who may have a different background or lifestyle, be of a different race, ethnicity, disability, sexual orientation, gender, age, cultural or religious belief.
  - Realising that your enjoyment of life at home should not cause a neighbour any distress.
  - Speaking to neighbours when a problem arises using a friendly approach. Discussing the problem may resolve it much quicker and with less ill feeling than involving the Association.
  - Read and understand the terms of your Tenancy Agreement and ensure that all behaviour complies with this.
  - Make children and visitors aware of the need for good, neighbourly behaviour.
  - Reporting incidents to us and other relevant agencies such as Police Scotland or Inverclyde Council.
  - Keep us informed of details of ongoing problems.
  - Assist us with keeping records of nuisance and ASB.
  - Do not make malicious or vexatious complaints which are complaints without basis.
  - Understand that we will use a range of measures to try to tackle ASB and resolve problems depending on the severity of the case. Legal action is not appropriate in all cases and if we do decide to take such action it will be a last resort.

- Understand the limitations we have as a landlord when trying to deal with cases of anti-social behaviour.
- Co-operate with us in trying to resolve anti-social behaviour, including attempting mediation.

## 7 LINKS WITH OTHER SERVICES AND AGENCIES

- 7.1 We recognise that one agency alone may not be able to solve the problems of ASB in our communities. As such, we have adopted a multi-agency approach to preventing and tackling anti-social behaviour. We have local partnerships and work positively with external agencies, such as:
- Inverclyde Council Social Protection team
  - Inverclyde Council Community Warden service
  - Police Scotland
  - Other social landlords; Oaktree, Larkfield/Link and Riverclyde Homes
  - Inverclyde Council's Environment and Enforcement team
  - Community Links
  - Health and Social Care Partnership (HSCP)
  - Local authorities social work services, including children's and adult's services teams.
  - Schools
  - Victim Support (Scotland)
  - Women's Aid
- 7.2 The Association will work with all such agencies to seek effective responses to ASB. A protocol has been established with Inverclyde Council and Police Scotland to assist in information sharing of incidents of ASB in accordance with Section 139 of the Anti-social Behaviour etc. (Scotland) Act 2004.
- 7.3 The specific statutory duty placed on Police and local authorities to prepare Anti-social Behaviour Strategies for their areas is acknowledged by the Association, we will co-operate in the preparation and implementation of these. In implementing such strategies, the Association will work with other agencies, including other local landlords, in appropriate community-wide initiatives aimed at achieving a consistent approach to tackling ASB.
- 7.4 Housing Services staff will ensure that any individual(s) who they come in to contact with whilst investigating an ASB complaint that needs support, will be helped and a referral can be made to the appropriate agency that may be able to address their support need.  
Support needs could range from drug/alcohol related problems, welfare services, money advice, parenting skills or mental health issues.

## **8 PREVENTION**

- 8.1 Cloch Housing's approach to the prevention and management of ASB is integrated within our management of allocations and estate management. Procedures are in place to allow a quick turnover in vacancies by pre-allocation. Our houses are allocated to households in relation to their housing needs.
- 8.2 The Tenancy agreement outlines tenant's responsibilities concerning respect for others and these tenancy conditions will be enforced. A Good Behaviour agreement may also be signed at the same time as the Tenancy agreement where appropriate.
- 8.3 Staff will explain in detail what the responsibilities of the tenant, their household members and visitors are. A Tenants' Handbook is also issued which includes relevant sections on estate management and neighbour nuisance issues and harassment.
- 8.4 Good neighbour relations are reinforced at the New Tenant visit, which is carried out normally within 8 weeks following the tenant moving in. Effective estate management is regularly monitored and prompt action is taken when there is a failure to meet tenancy conditions.
- 8.5 The Association will seek to minimise the potential effects of ASB through the design, construction, and improvement of its properties. This will include designing all new projects to "Secure by Design" standards and providing adequate sound insulation between properties where practical.
- 8.6 Our Anti-social Behaviour policy will be publicised to existing tenants via our website, MyCloch portal and newsletters. All new tenants will be made aware of their responsibilities when they sign their Tenancy agreement. We will seek to ensure that all our tenants are aware of our views on ASB and the standards of conduct expected of our tenants.
- 8.7 Lettings Plans & Initiatives - Where appropriate, we will promote the use of a local lettings plan to develop and maintain sustainable communities. The plan will have regard for issues such as child density, support needs and the local environment.
- 8.8 Refusals to transfer - If a tenant has caused ASB all requests to transfer to another property may be refused until a clear period of 12 months has passed without any further ASB being caused. Please refer to the Association's Allocations policy (Inverclyde Common Housing Register policy) for more information.

## **9 OUR APPROACH**

- 9.1 There are many factors that could influence someone's behaviour in a way that others might consider anti-social. Where these are identified, we will provide support to the tenant directly or by referring them to external agencies as necessary.
- 9.2 We aim to deal with ASB in a proportionate and appropriate manner. Our approach includes engaging with complainants and alleged perpetrators, providing support and/or taking enforcement action.
- 9.3 The Association will develop a detailed set of procedures identifying actions, roles and responsibilities in implementing its policies. These procedures will be subject to regular review and audit.
- 9.4 All instances of ASB that are considered criminal will be reported to Police Scotland who may undertake criminal investigations.
- 9.5 Taking Complaints Seriously

All reports of ASB will be taken seriously and individuals will be provided with the opportunity to discuss their concerns with staff.

It is not necessary for initial complaints to be made in writing; however, we will provide forms to complainants to assist with this and to ensure that records of complaints are accurate. Verbal reports of complaints that are received and recorded by staff may need to be signed by the persons making the complaints. We encourage all residents to report complaints of criminality to Police Scotland.

The Association will often need evidence to act against someone who is behaving anti-socially. Complainants may be required to complete diary sheets to record what has been seen or heard. In serious cases, complainants may be required to give evidence in Court.

Anonymous complaints will be followed up where the matter is serious and there is independent evidence – e.g. obvious vandalism, damage or graffiti to a property – available to the Association. We acknowledge that anonymous complaints are sometimes an indication of fear of reprisal or intimidation. Where possible, anonymous complaints will be substantiated by requesting a Police report.

- 9.6 Responding to Complaints

In consultation with the victim, staff will consider all the evidence and information available and taking account of the wishes of the victim will pursue an appropriate course of action.

Staff will respond within targets to complaints of ASB as we recognise that a speedy response can often result in issues being resolved before they escalate into incidents that are more serious.

In dealing with reports of Anti-social behaviour, we will log all reports or complaints and will provide an acknowledgement within set timescales.

We will carry out investigations in accordance with the timescales detailed in **(Appendix 1)**, which may include escalating a case if it becomes more serious. The Association will agree these targets annually.

#### 9.7 Fairness and Impartiality

A consistent approach will be adopted to complaints, which respects the rights of both the complainant and the alleged perpetrator(s).

Where the Association is satisfied that one of its tenants is involved in ASB then it will be proactive in trying to resolve the problems being caused.

#### 9.8 Malicious or Vexatious Complaints

The making of malicious or vexatious complaints can be a form of harassment or ASB whereby an innocent resident is subject to unfounded, exaggerated or dishonest complaints by someone seeking to cause a detriment to that innocent resident.

A vexatious complaint is a complaint without any merit, which has been made solely to harass or intimidate another resident or a member of staff.

A malicious complaint is a complaint that is false and the intention is to cause harm or damage to another resident or a member of staff.

Whilst staff will respond to complaints made in line with the policy, part of their investigation may have to include the possibility that the complainant may have certain motives for making the complaint.

Staff will need to be aware of such possibilities when investigating complaints and if it becomes clear that the complainant is malicious or vexatious then the appropriate action will be taken against the perpetrator as would be for any other form of harassment or ASB.

#### 9.9 Involvement of Others

In responding to reports of ASB, staff may be required to approach other tenants or residents to seek confirmation or corroboration of events.

In cases of persistent or widespread ASB, the support of the community, groups and/or Registered Tenant Organisations (RTO's) may be sought to assist in addressing problems and to support initiatives being pursued by the Association.

#### 9.10 Investigations

We will, through our investigations, aim to establish the identity of the perpetrator of the complaint based on our evidence and the balance of probability, which is the test for civil action cases. The Association is committed to a conciliatory and non-judgmental response to complaints.

The Housing Officer will seek to identify and interview all relevant parties. Wherever possible, we will arrange a meeting between the complainant and the subject of the complaint. This is to establish an action plan between the parties for the resolution of their differences and we will maintain regular contact with them to monitor progress.

Where the differences between the parties appear to stem from differences in lifestyle, we may seek to find alternative accommodation for one or both parties if all other possible solutions have been exhausted.

### **10 ACTING AGAINST PERPETRATORS**

- 10.1 The action we take varies according to the nature and type of ASB reported.
- 10.2 When a problem first arises, we may encourage complainants to speak to the person causing the problem where appropriate, with a view to resolving the problem. If deemed not appropriate, we interview the alleged perpetrator.
- 10.3 We ensure that people who are responsible for ASB know the possible consequences of their behaviour, including the possibility of losing their home.
- 10.4 As part of our investigation of a reported ASB case, we consider whether there are any wider household needs, including child protection issues. If a staff member has any concerns relating to child or adult abuse or neglect, this is reported to the relevant authorities, in line with child and adult protection protocols.

## **11 NON-LEGAL REMEDIES**

11.1 Except in cases of serious criminal activity or persistent serious ASB the Association will attempt to achieve a resolution without recourse to legal action.

### **11.2 Mediation**

We consider mediation in cases where a discussion between neighbours has not been possible or has not resolved the issue. This is a process aimed at resolving disputes between two or more parties on a voluntary basis. The process is facilitated by a third party, usually Inverclyde Council's Mediation service, and is based on the principle of reaching resolutions through communication and compromise. In cases where we consider this tool appropriate, and a complainant is unwilling to make use of it, we may advise that we are unable to investigate the matter any further.

### **11.3 Warnings**

Prior to taking legal action, written warnings can be issued, and copies kept on file. These can be issued when the ASB is continuous, but the perpetrator refuses to acknowledge the problem and/or deal with the issue following intervention and advice by the Association. All written warnings are recorded and monitored.

### **11.4 Acceptable Behaviour Contracts (ABC's)**

This is a written contract drawn up between the alleged perpetrator and the Association. It is not legally binding, but we may involve the police and other relevant agencies in their creation. The ABC usually stipulates that the perpetrator does not engage in or carry out certain deliberate acts that are considered anti-social. The aim of the Contract is to make people personally responsible for their actions. ABC's are not legally enforceable, and a perpetrator cannot be compelled to enter an agreement.

### **11.5 Unacceptable Behaviour Notices (UBN's)**

If an offender refuses to agree to sign an ABC, then an Unacceptable Behaviour Notice (UBN) can be issued. An Unacceptable Behaviour Notice is an alternative to the ABC where the person responsible for the neighbour nuisance issue declines to be party to an ABC. The aim of the Notice is to make people personally aware of their actions and the consequences should they continue with the behaviour.

## **11.6 Parental Contracts**

Where informal interventions are used against those under 18 years of age, we can use Parental Contracts to monitor the behaviour of the individual, in partnership with the parents or guardian. This tool is like an ABC but is signed by the parent or guardian. If the behaviour of the parent is seen to be a contributory factor in the child's behaviour, we also involve other agencies in their drafting.

## **12 LEGAL ACTION**

12.1 The Association recognises that not all problems are capable of resolution by conciliation and responses to tenants will, as necessary and appropriate, move from advice, conciliation and support for tenants' own action, to legal action by the Association. We consider legal action where there is sufficient evidence. Eviction is only considered as a last resort and where other interventions have failed.

12.2 We make use of the following, as appropriate to each case:

- Notice of Proceedings for recovery of possession of the property in accordance with the Housing (Scotland) Act 2001.
- Eviction.
- Anti-social Behaviour Orders (ASBO) and Interim Anti-social Behaviour Orders (Interim ASBO).
- Where an ASBO has been issued, conversion of tenancy to a Short Scottish Secure Tenancy Agreement.
- Interdicts.

12.3 We also work with partner agencies to use the following:

- Noise abatement/fixed penalty notices & seizure of equipment notices (issued by local authorities).
- Dispersal of Groups Orders (issued by Police Scotland).
- Premises closure orders for premises where drugs are used unlawfully or where the premises are associated with significant and persistent disorder (issued by Police Scotland).
- Parenting Orders (issued by local authorities).

More information on the legal action process is contained within our Legal Action and Eviction Policy (Policy 027).

12.4 Ending a Scottish Secure Tenancy by Court Order – Conviction of a Crime/Serious Anti-social Behaviour

Committing serious ASB or certain crimes are a breach of the Tenancy Agreement and can lead to eviction.

If the tenant or anyone living with the tenant at the property or anyone visiting the property, are convicted of using the house or allowing it to be used for immoral or illegal purposes, or of any offences punishable by imprisonment committed in or around the locality of the property, we are entitled to seek a court order to evict them from their home.

Before we start the court action for eviction, we will serve a Notice of Proceeding on the tenant. The tenant has the right to challenge that decision.

The Housing (Scotland) Act 2014 removed the need for the Court to consider whether it is “reasonable” to make any order for eviction where we are using this ground for eviction. The Court will be required to grant the eviction order if we have served the Notice of Proceedings within twelve months of the date of the conviction (or within twelve months of the conclusion of an unsuccessful appeal against the conviction).

More information on this process is contained within our Legal Action and Eviction Policy.

## 12.5 Conversion to a Short Scottish Secure Tenancy for Anti-Social Behaviour

In certain circumstances, we can change a tenant’s Tenancy agreement to a different type of tenancy agreement called a Short Scottish Secure Tenancy (SSST) agreement, which gives fewer rights and less protection from eviction than a Scottish Secure Tenancy (SST).

The Housing (Scotland) Act 2014 allows that in certain circumstances including any situation where a tenant or someone living with the tenant has acted in an anti-social manner in or around the property, the Association may convert a Scottish Secure Tenancy to a Short Scottish Secure Tenancy. If we choose to convert the tenancy, we will serve a Notice, which will detail the action of the person who has behaved in an anti-social manner and our reasons for converting the tenancy. The tenant will have the right to appeal the conversion to the Sheriff Court.

More information on this process is contained within our Legal Action and Eviction Policy.

## **13 CATEGORISATION OF DISPUTES, RESPONSE TIMES AND CLOSING THE CASE**

- 13.1 Cloch Housing recognises that ASB can range from minor to very severe. The category is based on the seriousness of the complaint and will determine the processes and timescales that will be followed in responding to the complaint.
- 13.2 The Association, in consultation with its tenants, has developed a system for categorising complaints and has agreed timescales for dealing with each type of complaint. Information about these categories and current timescales can be found in Appendix 1 of this policy.
- 13.3 After a report of ASB has been investigated, we will close the complaint. We will normally consult with the complainant beforehand and explain our reasons. We listen to any reasons they give us as to why we should not close the case and advise them accordingly. A case may be closed where:
- An investigation has been concluded, appropriate action has been taken and/or no further incidents have occurred over a 6-week period;
  - We are unable to get sufficient evidence to take any action.
- 13.4 If a complainant withdraws their complaint, we may close the case. In some cases, where we have sufficient evidence, we may be able to continue to pursue the case without the complainant's involvement.
- 13.5 The complainant is notified, usually in writing, that the case is closed and that they can contact us should the problems reoccur in the future. On closing an ASB case, we may seek the views of complainants and ask how satisfied they were with our handling of the case. We use this information to improve our service.

## **14 SUPPORTING VICTIM/S AND ADOPTING A PERSON-CENTRED APPROACH**

- 14.1 We aim to build an environment where victims and witnesses feel confident and safe to report ASB. We work with our partners to provide support to the person reporting ASB and witnesses of ASB to achieve this. We support victims and witnesses of ASB by:
- Involving them in discussions about the action plan to resolve their issue.
  - Keeping them informed of any developments.
  - Referring them to appropriate support services, where necessary.
  - Providing them with information from other agencies e.g. the Police and Inverclyde Council's Social Protection team.

- Where attendance at court is required, reimbursing them for travel expenses, explaining court procedures, offering pre-visits to court in advance, escorting them to court and offering mentoring services.
- Taking practical action to protect those at risk, by ensuring their property is safe.

#### **14.2 Request for transfer by victim**

Alternative housing options for general needs complainants are only considered as a last resort, where all other options have been exhausted and where there is evidence of risk to the complainant. Our focus is on stopping the ASB, rather than transferring complainants elsewhere. A tenant suffering ASB can apply for a transfer via Inverclyde Common Housing Register; however, we are not under any obligation to grant a transfer to every person who applies. It is important that those approved for a transfer are aware that there could be a long wait due to the shortage of available properties.

In extreme cases, it might be appropriate to refer the victim to Inverclyde Council's Homeless Service as the local authority has the statutory responsibility for rehousing tenants in the case of emergency including when they are unable to return to their home because of ASB. The Association will endeavour to assist the homeless service in rehousing tenants where this is practicable.

It is essential that such moves are undertaken sensitively and that officers and all other people involved in the removal respect the need for strictest confidentiality.

### **15 REHABILITATION AND SUPPORT OF PERPETRATORS**

- 15.1 The need to achieve long-term change in the behaviour of perpetrators and reduce repeat 'offending' is recognised and the Association will work with the local authority and other partners to develop approaches, which reduce this problem.
- 15.2 A significant level of ASB is perpetrated by young people. The Association recognises the need for early intervention and the importance of working directly with young people and their families to prevent behaviour escalating out of control.
- 15.3 In considering rehabilitation measures we will liaise with the local authority and consider how to achieve long-term changes by:
  - Seeking to identify the causes of the behaviour.
  - Identifying how such causes can be prevented.

- Considering appropriate diversionary action.
  - Making people accountable for actions.
- 15.4 In many cases there may be an underlying cause, for example family or relationship breakdown, mental illness or drug or alcohol dependency. Staff will work with the family or tenant causing ASB and Inverclyde Council's Social work department to ensure that the tenant receives all the support and advice they need to deal with their difficulties. This may include referrals to:
- Tenancy support services including our Community Support team.
  - Social work services.
  - Family intervention projects.
  - Support services.
  - Parenting classes.
- 15.5 We will not take enforcement action in these cases without monitoring the success or otherwise of a support package. We will however take further action if a perpetrator does not change their behaviour and/or fails to cooperate with a partner agency.
- 15.6 The Association is also aware of its obligations in relation to dealing with vulnerability under the Equality Act 2010 and will treat people fairly and equitable when allegations of ASB are made.

## **16 MANAGING ANTI-SOCIAL BEHAVIOUR IN LEASED PROPERTIES**

- 16.1 We have several properties that are leased to other agencies such as Inverclyde Council, Inverclyde HSCP and other agencies. These properties are used by these agencies to provide temporary accommodation for homeless households and other vulnerable people.
- 16.2 We have experienced issues with ASB by occupants of flats that are leased to other agencies, some of which have caused serious alarm and distress to our residents. To manage these situations promptly and effectively we will escalate complaints in the following manner:

- Maintain regular contact and good working relationships with the agencies who lease our properties.
- Ensure that all incidents which are reported to us are reported to the appropriate agency.
- Maintain regular liaison with the case worker until the matter is resolved.
- Escalate to a service manager if the nuisance continues.
- Issue a letter to the agency concerned setting out the incidents and our concerns and the effect the behaviour is having on our residents.

- Serve Notice on the agency to vacate the flat.
- 16.3 Where properties are recovered due to ASB, we may not provide a replacement property to the agency concerned.

## **17 DIFFERENT TENURES / LANDLORDS**

- 17.1 The Association recognises that mixed tenure exists in the areas in which it operates. Staff will deal with complaints from owner-occupiers or tenants of other landlords about our tenants. However, complaints about the behaviour of owner-occupiers or non-Cloch Housing tenants will be referred to Inverclyde Council's Public Health and Housing team.
- 17.2 Support and advice is provided to the Association's tenants throughout the process. If it is possible for us to take direct action against perpetrators of ASB who are not our tenants – e.g. for causing vandalism or damage to its properties – then we may do so.

## **18 RESPONSIBILITY**

- 18.1 Housing Officers have responsibility for ASB and tenancy management within their areas. They will provide advice, answer queries, make referrals and pursue legal action if required.
- 18.2 Housing Officers and Assistant Housing Officers have responsibility for implementation of the ASB Policy. The Senior Housing Officers have responsibility for -
- monitoring the performance of all staff.
  - assisting the staff to deal with serious or persistent breaches of tenancy and dealing with all cases of serious ASB.
  - liaison with other service providers, including the local authority, to maximise their service.
  - monitoring the operation of the policy, reporting to the Housing & Property Services sub-committee, and assisting the Director of Customer Services and Communities with the review of the policy.

## **19 POLICY REPORTING**

- 19.1 We will keep a record of all complaints made and action taken both for monitoring purposes and to help identify the nature of problems and the type and frequency with which problems occur.

- 19.2 The Director of Customer Services and Communities is responsible for ensuring that Housing Services staff provide relevant statistics on at least an annual basis so that this information can be reported to the Board and tenants. The Senior Housing officers will ensure that the cases are being regularly monitored by staff and closed where appropriate. Monitoring of ASB complaints will permit the Association to measure the occurrence of ASB and the success of different actions taken.

## **20 EQUALITIES COMMITMENT**

- 20.1 Cloch Housing is committed to tackling discrimination on the grounds of sex or marital status, racial grounds, or grounds of disability, age, sexual orientation, language, social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.
- 20.2 Cloch Housing seeks to embrace diversity, promote equal opportunities for all and eliminate any unlawful discrimination in all areas of our work.

## **21 SUSTAINABILITY IMPLICATIONS**

- 21.1 The approach outlined in this policy, working in conjunction with our policies on Void Management, Estate Management and Allocations, ensures that the Association is striving to make positive contributions towards the sustainability of our communities. The Association acknowledges the negative impact that ASB can have on the community and aims to ensure that this is kept to a minimum.
- 21.2 The Association will use the information gathered from the inspection of empty properties, from refusals and from exit surveys on termination to inform our long-term strategies and priorities for the management of ASB.

## **22 CONFIDENTIALITY AND DATA PROTECTION**

- 22.1 All complaints will be treated in confidence if the complainant requests this. It will, however, be made clear that if the complaint is followed up, the alleged perpetrator may be able to identify the complainant, simply from the details of the complaint. In addition, if the complainant wishes their name to remain confidential this may limit the action it is possible to take. The terms of Data Protection legislation will be adhered to within this Policy.
- 22.2 Those who complain should realise that there may be circumstances when it is necessary for the Association to pass on information to others, such as Police

Scotland or Social Work services. Where it is necessary to involve others in this way the Association will make it clear to the third party that the complaint was made confidentially and seek reassurance that the third party will honour the Association's commitment to confidentiality.

- 22.3 The Association will treat all personal data in line with our obligations under the current General Data Protection Regulations and our own Data Protection Policy and Data Retention Procedures. Information regarding how your data will be used and the basis for processing your data is provided within our Fair Processing Notice.

## **23 BOARD MEMBERS AND ANTI-SOCIAL BEHAVIOUR**

- 23.1 Anonymity will be preserved always from Board Members when considering individual cases. As Board Members may also be tenants of the Association, those tenants should not commit ASB as this would be in breach of their Tenancy Agreement and the Association's Code of Conduct for Board Members. Any Board Member found to have perpetrated ASB following investigation and/or is subject to legal action will be referred to the Board to discuss termination of the individuals' Board membership or to invite a resignation in accordance with Section 43.3 of the Association's rules.

## **24 CUSTOMER FEEDBACK**

- 24.1 Cloch strives to provide an excellent customer service always and welcomes feedback and comments from our customers on the way in which we deal with incidents of ASB and the outcome of cases. We will seek feedback via our website, MyCloch portal, e-mail and verbally to learn from service user's experiences, using them to shape and develop our service.

## **25 COMPLAINTS PROCEDURE**

- 25.1 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 at our office. You also have a right to complain to the Scottish Public Services Ombudsman. The Complaints Policy details the way in which you can complain and the timescales for responding.

## **26      REVIEW**

- 26.1 This policy will be reviewed every *three* years or as required to assess its effectiveness and to consider any changes required in the light of experience, new guidance, good practice, and legislation.

## **Cloch Equality Impact Assessment (EIA)**

### **Anti-social Behaviour Policy**

Author	Housing Services Manager
Assessor / reviewer/ implementer	All Cloch staff and Board Members
Start Date	24 <sup>th</sup> April 2017 (reviewed 1 <sup>st</sup> September 2020)
End Date	{tbc}
Relevance	The policy sets out the principles that the Association adopts in its aim to manage incidents of ASB effectively.
Policy Aims	This policy aims to provide an overview of how Cloch Housing Association intends to deal with incidents of ASB within its tenant base. The policy and associated procedures will outline the way in which complaints are dealt with taking account of current legislative provisions for dealing with ASB and neighbour nuisance.
Available Evidence	<p>At this time, we do not have complete data or other information to prove that the ASB Policy is disadvantaging any of our tenants.</p> <p>The policy itself does not have an adverse impact as far as we can tell at this stage, without clear data.</p>
Evidence Gaps	<p>It would be useful to have complete ethnicity profile of our tenants to analyse if any particular group is more likely to be affected by ASB. We will continue to gather relevant information about tenants at the sign up interview – however, this will take a long time to build up and allow us to make any meaningful analysis. We will make use of our three-yearly Tenant Satisfaction Survey data to confirm trends however this data is anonymous and we usually survey 60% of our tenant base so</p>

	we cannot rely on this data to help assist with the provision of services to an individual.
Involvement and Consultation	We consulted with staff and tenants on this policy during the review process.
What is the actual / likely impact?	There is no indication in the data we hold that the policy affects groups differently. Further work may need to be undertaken to confirm this. However, Inverclyde Council's ASB Strategy does show there is a higher level of ASB incidents in Greenock East and Central (where most of the Association's stock is located) compared with other areas of Inverclyde.
Address the Impact	The Association is considering increasing its tenancy support provision, which may assist in reducing the prevalence of ASB as well as increase tenancy sustainment generally.

## **APPENDIX 1**

### **Neighbour Disputes and ASB Categories and Targets**

Following consultation with our tenants, we have defined categorised and grouped the different types of ASB according to their level of seriousness.

We have four categories for this type of behaviour depending on the nature and seriousness of the complaints. For each we have proposed the following targets for initial response times and resolution times. It should be noted that the Scottish Housing Regulator classifies a case resolved when:

- The landlord has taken appropriate measures as set out in its ASB policies and procedures to address the cause of the ASB.  
Or
- The landlord does not have the authority or powers to resolve the matter but it has provided to the service user a full explanation of the landlord's position.

In addition, the Association has stated within its policy that should a complainant have experienced no further issues within a period of six weeks (30 working days) the complaint will be considered resolved and closed by the Association.

These targets will apply from the April following the policy approval and be reviewed on an annual basis.

<b>Category</b>	<b>Initial Response/Acknowledgement</b>	<b>Resolution</b>
A – Serious ASB – (Complaints classified under this category will include: drug dealing, assault, sex offences, harassment and violence towards neighbours or association staff.)	1 working day	Proposing: 65 working days (3 months)
B – ASB (Complaints classified under this category will include: frequent disturbances, damage to property, threatening and abusive behaviour.)	1 working day	40 working days (2 months)
C – Nuisance Cases (Complaints classified under this category will include: complaints re	3 working days	20 working days (1 month)

children, infrequent disturbances, vandalism, and lifestyle clashes.)		
D – Estate Management and Other Breaches of Tenancy Conditions – (complaints classified under this category will include: abandoned cars, pet nuisance and refuse issues.)	5 working days	20 working days (1 month)

These targets were agreed following general consultation with customers as part of the policy review.