



ANTISOCIAL BEHAVIOUR POLICY

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Policy	Antisocial Behaviour Policy								
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Who this policy affects	Staff	X	Customers	X	Contractors	X	Members of the Public	X	
Where this policy affects	General needs		X	Supported		X	Office / staff base		X

1. Introduction

1.1 Almond Housing Association Limited (AHA Ltd.) recognises that antisocial behaviour occurs, and is committed to addressing situations where Almond tenants are either the victims or the perpetrators of behaviour which prevents residents living in peace and safety.

1.2 The term “antisocial behaviour” is used in this policy to cover the types of behaviour by a tenant, members of their household and/or their visitors, which cause their neighbour(s) a problem, ranging from a minor irritation to serious criminal activity.

It includes harassment, which is defined as: “behaviour deliberately intended to intimidate, dominate or harm an individual or group of people because of ethnic or racial background, colour, religion or belief, disability, sexual orientation or any other form of discrimination”.

1.3 AHA Ltd. has a range of procedures and responses to deal with the variety of situations which may occur, as detailed in the procedures that support this policy. We recognise however that it will not be possible or appropriate to become involved in every situation, and that part of our response will be to encourage tenants to resolve their differences and difficulties with one another, or with the assistance of other agencies.

1.4 AHA Ltd. will continue to develop the effective working relationships we have built up with the staff of other agencies which might become involved in antisocial behaviour situations, such as the Police Scotland, Local Authority Social Work or Environmental Health Departments.

In particular, under the service level agreement with the West Lothian Council Safer Neighbourhood Team, AHA Ltd. will work closely with the Team as they deal with antisocial behaviour issues we have referred to them.

1.5 AHA Ltd. will ensure that all tenants clearly understand their rights if they are suffering from antisocial behaviour, and the implications if they cause a nuisance.

1.6 Except in the case of serious criminal activities, AHA Ltd. will normally seek to resolve instances of antisocial behaviour without having to take legal action against a tenant and will only take legal action when all other means of resolving the issue have been exhausted.

1.7 In appropriate serious cases we will consider using the streamlined eviction process in accordance with the relevant provisions of the Housing (Scotland) Act 2014 and subsequent statutory guidance.

1.8 AHA Ltd. will consider using restraint through interdicts as a less drastic alternative to eviction. We may also consider the use of a Short Scottish Secure Tenancy for Antisocial Behaviour as detailed in the 2014 Act and in accordance with the related statutory guidance.

1.9 AHA Ltd. will consider implementing appropriate measures under the Crime and Disorder Act, i.e. seeking Sheriff Court approval of an Antisocial Behaviour Order (ASBO).

1.10 AHA Ltd. recognises that this policy can only provide a framework for the guidance of employees, and that the response to each situation will depend both on the individual circumstances, and on the judgement of the employee(s) involved.

2. Associated Policies and Guidance

2.1 This policy takes account of the following documents

- Vulnerable Tenants Policy
- Domestic Abuse Policy
- Openness & Confidentiality Policy

3. Definitions

3.1 Anti-social and nuisance behaviour is behaviour that disrupts other resident's normal use of their home and the community which they live in. It is defined by the Anti-Social Behaviour etc. (Scotland) Act 2004 as follows "Acting in a manner that causes or is likely to cause alarm, or distress; or pursuing 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' includes speech and AHA Ltd. has extended this to include aggressive or threatening content posted on social media platforms and a course of conduct must involve conduct on at least two occasions.

3.2 There are different types of neighbour nuisance and anti-social behaviour. It is important to distinguish between the severity of different types of behaviour. The Association's policy is to classify neighbour nuisance and anti-social behaviour into three categories which then influence the way in which we respond to complaints.

- Neighbour Nuisance – Behaviour which unreasonably interferes with other people's rights to use and enjoy their home and immediate environment in peace and safety, such as playing loud music, lack of control over children or pets, failure to keep refuse areas tidy or verbal abuse.
- Anti-Social Behaviour - This behaviour can include criminal acts such as; vandalism and damage to property, repeat noise nuisance, serious disturbances as well as behaviour such as rubbish dumping.
- Serious Anti-Social Behaviour – Behaviour which goes against society's norms and accepted standards (including criminal behaviour), such as drug dealing (resulting in serious nuisance, safety hazards etc.), theft, unprovoked assault, persistent vandalism, harassment, damage to property or serious dumping of rubbish.

3.3 AHA Ltd. will not normally become involved in situations which are not serious or are not in direct breach of a condition in the Tenancy Agreement. Examples are family squabbles, minor or occasional irritations, occasional nuisance caused by children playing in the street, etc. Tenants will normally be advised to seek resolution of any such problems by discussion with those allegedly causing the problem, or with the assistance of any other appropriate agencies.

3.4 This Policy draws the distinction between Anti-Social Behaviour and Domestic Violence and together with our Vulnerable Tenants and Domestic Abuse Policy, sets out how the Association views domestic abuse, and how we will respond to and seek to deal with any reports of such abuse affecting tenants or members of their households. A 'Survivor-centred approach' will be adopted for reported incidents that described Domestic Violence in a household. This will result in a Direct referral to our in-house Domestic Violence advocate and our priority will be to support the victims of Domestic Violence.

3.5 For the purposes of taking action on the grounds that the tenancy conditions have been broken, it will be necessary to establish that the behaviour can be attributed to the tenant, a member of the tenant's household, a lodger, sub-tenant or a visitor.

4. Timescales

4.1 We will respond quickly, sensitively, and objectively to complaints of nuisance and anti-social behaviour. These will normally be dealt with by the Housing Officer in the first instance and will be discussed with the Housing Manager at regular monitoring meetings. The response to collate the relevant information from the complainant may be in the form of a telephone call but can be a home visit or an interview within the office. We will contact complainants within the following timescales:

Description Timescale (working days)

- Nuisance behaviour - Within 10 days
- Anti-social behaviour - Within 5 days
- Serious anti-social behaviour - Within 1 day

If any of the above categories of behaviour represent a threat to the safety of occupants of a building or to the structure of the building (for example, rubbish blocking a fire exit or creating a fire hazard in a stair) the response time will be within 24 hours.

4.2 Complainants will be informed about the importance of evidence gathering relating to their complaint and the Housing Officer will explain how the complainant should keep record of all ASB incidents either using a virtual digital platform or a ASB Incident Recording Diary which will be supplied by the Housing Officer.

4.3 The normal timescale for investigating a complaint will be 10 working days. If it is not possible to meet this timescale, we will inform the complainant and tell them the revised timescale and reasons for the delay. We will also take any necessary interim action.

5. Resolution Targets

5.1 Targets for resolving cases are agreed locally (that is to say with Tenant Focus Group) and following consultation with tenants are:

- Neighbour Nuisance - 1 month
- Anti-Social Behaviour - 3 months
- Serious Anti-Social Behaviour - 6 months OR commencement of legal action.

5.2 Each case will be closed 4 weeks after the last recorded incident (in a series of incidents) and/or after all the investigations have been completed and the Housing Officer has informed the complainant of the investigation outcome and action that has been taken..

5.3 If the same type of incident occurs within 2 weeks of the closure date the case will be re-opened as a continuation of the original case. If the similar incident occurs more than 2 weeks after closure, it will be recorded as a new case.

6. Preventive Measures

6.1 The Association recognises that prevention is the most effective form of action. We cannot totally prevent anti-social behaviour, but we can however work as a landlord in partnership with other agencies to try to minimise the circumstances which may give rise to anti-social behaviour.

6.2 AHA Ltd. will seek to minimise some of the effects of antisocial behaviour through the design and construction of our properties, including the following measures:

- Adequate sound insulation within and between properties;
- Secure external doors, and windows;
- Controlled entry systems to flats;
- Overall layout of estates to “design out” crime;
- Adequate fencing and lighting in communal areas;
- Designated play areas, where possible away from older residents;
- Effective security of empty properties.

6.3 The Association will let houses in a way which is sensitive to the surrounding area if there is already evidence of actual or potential problems in an area. Prospective customers will be subject to a check via the Safety Neighbourhood Team to establish that there are no concerns.

6.4 Our Allocations policy requires that written references are sought from previous landlords where the applicant holds or has held a tenancy. The purpose is to learn whether there is documented evidence of previous tenancy problems which suggest that the applicant would not conduct the tenancy according to the terms of the tenancy agreement.

6.5 The Association has grounds to suspend an application, where an applicant, or a proposed member of their household, has:

- acted in an anti-social manner or been responsible for harassment in the:
- vicinity of the property
- caused extensive damage to a current or previous tenanted property
- behaved in a threatening or violent way towards our staff or tenants
- been responsible for using a former home for illegal purposes which are, or were, likely to endanger or cause nuisance or harassment to neighbours (e.g. drug dealing, prostitution, fire raising)

6.6 This can include a Police or Landlord report, history of criminal conviction, eviction from a former home, ASBO or where an applicant has a Short Scottish Secure Tenancy (or equivalent) due to Antisocial behaviour.

6.7 If an applicant demonstrates there are valid reasons that their behaviour has changed and behaviour will not re occur we will remove the suspension. In any offer of tenancy a Short Scottish Secure Tenancy will be offered if this behaviour has been within the last three years.

7. Tenant Participation

7.1 As part of our Tenant Participation Strategy AHA Ltd. will involve tenants in developing procedures and strategies to counter antisocial behaviour through:

- consulting with tenants on the content of relevant procedures and/or actions;
- publicising this policy on our website, through tenant newsletters and other appropriate publications;
- meetings with tenants, including the Tenant Focus Group, to discuss specific matters or overall policy.

7.2 The aim of these measures will be to:

- make all tenants aware that antisocial behaviour of any kind will not be tolerated, and that the Association expects all tenants not to cause a nuisance;
- gain wide support for this view;
- ensure that the potentially serious consequences of antisocial behaviour are understood;
- create a climate within each estate which clearly states that antisocial behaviour is not acceptable there;
- encourage the reporting of genuine persistent antisocial behaviour;

8. Policy Review

8.1 This policy will be reviewed every 5 years or as required due to legislative or regulatory change. The review will be completed by the Director of Housing Management and circulated to the Board of Management for approval.

9. Equality, Diversity & Inclusion

9.1 Almond aims to ensure that equality, fairness, dignity and respect are central to the way we work and how we treat our customers. We support diversity and uphold equal opportunities in all areas of our work as an employer and service provider.

9.2 Almond will not discriminate against tenants, staff, visitors, suppliers or others based on their age, sex, sexual orientation, race, disability, religion or belief, marital status, pregnancy and maternity or gender reassignment (collectively referred to as 'protected characteristics' in the Equality Act 2010).

10. Data Protection

10.1 Our policies and procedures foster an approach of 'data protection by design and by default'. What this means in practice is that:

- Policies and procedures consider data protection issues, ie how to protect the data subject served by the policy or procedure;
- New systems, services, products and business practices involving personal data are designed and implemented to ensure personal data is protected by default;
- That the Data protection principles and safeguarding of individuals' rights (such as data minimisation, pseudo anonymisation, and purpose limitation) are clear in the policy or procedure;
- And that if the policy or procedure aims to provide service to vulnerable groups (e.g. children) that the personal data is treated with extra protection.

What this requires users of this policy to do is:

- Make sure that staff understand why data protection is important for the implementation of this policy, for instance via training or by reading the data protection policies;
- If we are undertaking a review of the policy, change to process or change to system, that we must consider doing a Data Protection Impact assessment, if the change is likely to result in a high risk to individuals.
- It is also good practice to do a DPIA for any other major project which requires the processing of personal data.

We will consult our data protection officer, if there is doubt over these requirements.

11. Responsibilities Chart

11.1 The chart below illustrates the responsibilities of all staff in relation to this policy.

ASB	Board	Director of Housing Management	Housing Manager	All Staff
To ensure that there is in place a policy on anti-social behaviour which complies with current regulations, guidance, and good practice.		✓		
To approve policy	✓			
To oversee compliance with the policy through the performance and audit reports	✓	✓		
To provide any relevant updates or performance information to board, employees and customers		✓		
To manage the implementation of the policy and procedures on a day-to-day basis, advising the Board of Management, other Heads of Section and all employees as required on specific matters.			✓	
To ensure they have read and understood the policy and procedures, and to implement them as required in the course of their work.				✓

Policy Assessment Checklist

Health & Safety Assessment

Does this policy have the potential to affect:

	Yes	No
Lone Working	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Safety and/or wellbeing of customers	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Safety and/or wellbeing of staff	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Equality Impact Assessment

Does this policy have the potential to affect:

	Yes	No
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marriage and Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pregnancy and Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you have answered 'Yes' to any of these points, please complete a full Equality Impact Assessment. If you have answered 'No', you need take no further action in completing an Equality Impact Assessment.

Data Protection Impact Assessment

Carrying out a Data Protection Impact Assessment [DPIA] will be useful to any project – large or small – that:

- Involves personal or sensitive data about individuals
- May affect our customers' reasonable expectations relating to privacy
- Involves information that may be used to identify or target individuals

A Data Protection Impact Assessment [DPIA] must be completed if the policy involves one or more of the following (please tick each that apply to this policy):

If a DPIA is not carried out, please summarise the reasons below

DPIA to be completed