



## **ANTI-SOCIAL BEHAVIOUR POLICY**

(Ore Valley Group Policy)

Version	
Last Reviewed	April 2014
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Review Requirement	3 Years

# ANTI-SOCIAL BEHAVIOUR POLICY

## 1. Policy Statement

Both Ore Valley Housing Association and Ore Valley Enterprises own and lease properties that are then let to tenants. This Policy aims to outline the measures that will be taken where anti-social behaviour has been demonstrated and proven.

Where the term 'the Association' is mentioned, it implies both Ore Valley HA and Ore Valley Enterprises.

The Association has adopted this policy for dealing with neighbour disputes and other forms of anti-social behaviour.

The Association will take prompt action against tenants who are not complying with tenancy conditions, resulting in nuisance or disturbance to neighbours and other members of the community. Although every effort will be made to resolve disputes through preventative and management measures, the Association will take legal action if this is appropriate.

The overall aim of the Anti-Social Behaviour Policy is to help tenants maintain their privacy and the quiet enjoyment of their homes. This will be achieved by operating procedures designed to prevent situations arising that might lead to neighbour complaints and by dealing quickly and effectively with problems when they do arise.

## 2. Definition of Anti-Social Behaviour

"Anti-Social Behaviour" is not a term that is easy to define because it can mean different things to different people – behaviour that is perfectly acceptable to one person might be totally unacceptable to another.

The housing charity, Shelter, gives a broad definition, which can be taken as a starting point for reaching an understanding of the term. They define that: '**anti-social behaviour occurs where behaviour by one household or individual in an area threatens the physical or mental health, safety or security of other households or individuals.**' (Scottish Affairs Committee, 1996: para.3).

What this definition does not do is reflect the very broad range of behaviour that can be included. The Association will therefore group complaints of anti-social behaviour into one of the following categories and this will determine to some extent how the complaint is dealt with. It should be noted that some complaints will be dealt with by the Association working with other agencies, while more serious complaints relating to community safety concerns will be the overall responsibility of other agencies such as Police Scotland or Fife Council.

## 3. Categories of Anti-Social Behaviour

### Level One

This refers to cases where there is evidence of a breach of tenancy conditions but where this can be considered to be of a relatively minor nature. Examples of Level One cases include family disputes which disturb neighbours, control of pets, maintenance of garden ground, occasional noise and dumping or storing rubbish.

## Level Two

Level Two will indicate more serious anti-social behaviour and includes regular excessive noise, frequent disturbances, vandalism or damage to property, and frequent verbal abuse or harassment.

## Level Three

These cases will be of a very serious nature – for example threats of violence, assaults, drug-dealing, serious harassment and racial harassment.

Note: a case can be categorised initially at one level and then move to another, depending on how it develops. The level at which a case is being dealt with will determine who will take responsibility for it and which agencies should be involved.

### **4. Accepting Complaints**

Complaints can be made in writing, by telephone, email or in person at the Association's office. The complainant's name will not be divulged to the person being complained about; however, the complainant should be made aware that in some cases the nature of the complaint means that it is not always possible for them to remain anonymous.

Full details should be noted by the Housing Officer using NC2 and NC3. Where possible the complainant should be asked to sign the report to confirm it is a true record of what has been discussed.

Complaints should be acknowledged within three working days of receipt unless the situation demands an immediate response from either the Housing Manager or the CEO.

### **5. Equalities and Human Rights**

In dealing with anti-social behaviour, we will be mindful of the need to ensure equality of opportunity to all across the nine protected characteristics outlined in the Equality Act 2010: Age, Disability, Gender reassignment, Marriage and civil partnership, Pregnancy and maternity, Race, Religion and belief, Sex and Sexual orientation.

In particular:

Where a complainant is vulnerable or at risk, we will endeavour to identify this at an early stage so that we can provide appropriate advice and support.

Where anti-social behaviour is attributable, either directly or indirectly, to problems of alcohol or substance misuse, mental health problems or other support needs, we will work with other agencies to facilitate intervention to support the perpetrator.

We will be mindful of the Disability Discrimination Act 1995 and relevant updates within the Equalities Act 2010 taking account of behaviour that may be related to a disability and making sure that any enforcement action is appropriate and proportionate to the individual circumstances.

We are opposed to all forms of discrimination and will give positive support and assistance to victims of racial and other harassment.

In our approach to tackling nuisance and anti-social behaviour, we will have regard for Article 8 of the Human Rights Act 1998, which states:

‘Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except as in accordance with the law and as is necessary in a democratic society in the interest of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others’

We will take a balanced approach in our response to reports of anti-social behaviour, acting only where the effect of the anti-social behaviour to one or more residents outweighs the effect of the interference in the private lives of another resident.

## **6. Investigation and Action**

There can be no standard solution to neighbour complaints or other forms of anti-social behaviour so each case really has to be dealt with on an individual basis. Equally difficult then is to specify a procedure for dealing with disputes, however general guidelines are provided below.

### Level One

The responsibility for dealing with Level One cases lies with the Housing Officer and the aim is to deal with the complaint within 10 working days.

The files of the complainant and the person being complained about will be checked for any previous complaints. If the complaint is of a minor nature and likely to be a one-off situation it will be at the discretion of the Housing Officer to decide whether or not to act. It is essential, however, that even where no action is being taken a record of the complaint is kept in the appropriate house files using NC3.

In some cases it may be appropriate to encourage the complainant to speak to their neighbour themselves before involving the Association. It is possible that the person being complained about is unaware that their behaviour is causing a nuisance and they may prefer an informal approach from their neighbour rather than a visit from Association staff.

The value of the Housing Officer’s experience and knowledge of the tenants cannot be underestimated in deciding what course of action is most appropriate.

If it is felt that action is required, for this level of complaint the most appropriate approach is to speak to the person being complained about. This should be done as tactfully as possible. It is not for Association staff to divulge the name of the complainant; however it should be borne in mind that the very nature of a complaint will often make this obvious. A record of any interview which takes place should be kept in the house file and any points agreed at interview will be confirmed in writing. The complainant must be advised of the outcome and asked to keep the Association advised if there are any further developments using incident diary NC5.

## Level Two

Level Two complaints will be the responsibility of the Housing Officer, however the Housing Manager will be more involved and should be advised of all developments in the case. It is also likely that other agencies may be involved at this level, i.e. Night Time Noise Team, Police or Social Work.

Complaints categorised as Level Two should be responded to within 5 working days. It should be noted that this does not mean that the case will have been resolved, but as a minimum clear attempts should have been made to speak to all parties involved and to discuss the case with any other relevant parties whose evidence may have a bearing on how the case is dealt with.

On receipt of a complaint, as with Level One, the relevant files will be checked to establish if there have been previous complaints or breaches of tenancy.

If there is no corroboration of the initial complaint, the person being complained about should be visited and made aware that a complaint has been made. Details will be recorded and the person will be advised that if there are further complaints, these will be followed up.

If there is corroboration, arrangements should be made to interview the person being complained about. Again Housing Officer's experience and knowledge of the tenants will be invaluable in deciding where this interview should take place and whether there is a need to have more than one member of staff present.

During the interview, the details of the complaint should be outlined and the person being complained about should be given an opportunity to give their version of events. If the Housing Officer is satisfied that there is a case to answer, a verbal warning should be given advising that the anti-social behaviour must stop and indicating that legal action may be taken if the conduct is repeated. This must always be followed by a letter confirming details and the outcome of the interview.

The complainant should be advised of the action that has been taken and to keep the Association informed of any future incidents.

## Level Three

The Housing Manager will assume overall responsibility for dealing with Level Three cases, although the Housing Officer will continue to manage the case. At this level other agencies will also be involved and it is quite possible that the initial complaint may have come directly from another agency such as the Police.

The procedure to be followed in dealing with a Level Three case is very much the same as Level Two (seeking corroboration, interviewing relevant parties, etc), however the extremely serious nature of the complaints being dealt with at this level mean that immediate action will often be required, but as a minimum requirement all serious complaints of this nature will be dealt with within 3 working days.

## 7. Personal Safety

In dealing with all cases of anti-social behaviour staff will take account of the following of the Association's Policies and will not take any action that could put them at risk:

- [Personal Safety Procedures](#)
- Lone Working
- Driving and Road Safety Policy

Where cases involve violence or a threat of violence, staff will conduct interviews with at least one other person in attendance; this can either be another member of the Housing Management Team, or a representative from another agency, i.e. Police or Social Work.

## 8. **Locally Agreed Targets**

The Association is required to report performance to the Scottish Housing Regulator (SHR) on an annual basis using Indicator 19 - *Percentage of anti-social behaviour cases reported in the last year, which were resolved within locally agreed targets.*

Timescales for resolving cases need to be agreed following consultation with our tenants. The Association will undertake this consultation exercise every 3 years when this Policy is being reviewed.

## 9. **The Fife Community Safety Partnership**

The Fife Community Safety Partnership was established in 1998 to build a partnership approach to the promotion of safer communities in Fife. The partnership is responsible for the "Making Fife Safer" theme within the Fife Community Plan. Members aim to work in partnership to ensure that people in Fife can live in confidence and without fear for their own or other people's safety. Partners include Fife Council, Police Scotland, Fife Fire & Rescue Service, NHS Fife, the voluntary sector and local communities.

The Partnership currently maintains an information sharing protocol, providing guidance for practitioners on best practice when sharing information relating to community safety. It details when data can be shared, the process that should be followed and sources of further advice and support. The Association is included in this protocol.

The Housing Manager attends the Cowdenbeath Area Safer Communities Group (CACSG) to share information with partner agencies and action any allocated tasks. These group meetings are held on a monthly basis.

## 10. **Legal Action**

The Association will make every effort to resolve cases of anti-social behaviour without recourse to legal action, however legal action will be used where the anti-social behaviour is serious and persistent.

Where the decision is taken to instruct legal action the Housing Manager will provide a case report to the Board. In cases where it is recommended to proceed with an eviction, authority will be required from the Board.

In the most serious cases, the Association will issue a Notice of Proceedings for Recovery of Possession. These should only be issued in cases where the Association is willing to take the matter to Court.

Other forms of legal action that may be considered include interdicts, anti-social behaviour orders, acceptable behaviour contracts and closure orders.

The Association will, where necessary, liaise closely with other agencies in dealing with cases of anti-social behaviour.

These agencies include Police Scotland, Fife Council (Environmental Health, Housing Investigations Team, and Social Work Department), Fife Community Mediation Project and various housing support providers.

## **11. Allocations**

The Association will work in partnership with the FHR to minimise the possibility of an allocation resulting in a significant increase in anti-social-behaviour for neighbours and other local residents.

Landlord references will be sought in respect of applicants for housing, and allocations may be refused where the Association can demonstrate it is reasonable to do so.

Where an applicant, or a member of their family is subject to an ASBO; or where an applicant has previously been evicted for Anti-Social Behaviour; the Association will work with other relevant agencies to identify a suitable support provider prior to making the offer of a Scottish Short Secure Tenancy Agreement (SSST)

SSST are subject to continual review, and after a period of 12 months they will either be converted to a Scottish Secure Tenancy, or the Association will seek a Court Order to terminate the tenancy.

Future allocations will also be guided by new provisions being introduced under the Housing (Scotland) Bill 2013.

## **12. Management Transfer**

The Association will not approve a management transfer unless there is good reason to believe that such a transfer will resolve the situation.

## **13. Data Protection and Confidentiality**

In dealing with complaints of anti-social behaviour, it is necessary for us to respect the confidentiality of all those involved. We will seek the complainant's permission to disclose their identity before sharing this information with the perpetrator or any other third party.

We will ensure that we adhere to Data Protection legislation, paying particular attention to the provisions of our agreed Information Sharing Protocols with Police Scotland.

## **14. Monitoring and Review**

The Housing Manager will be responsible for monitoring the use of this policy; and reporting on performance as required.

This Policy will be reviewed every 3 years.

#### **15. Complaints**

If anyone feels that their complaint has been dealt with unfairly, they should make a formal complaint in accordance with the Association complaints procedures.

#### **16. Policy Availability**

Additional copies of this Policy are available on request and free of charge from the Association's office. A summary can be made available in a number of other languages and in large print.