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**Blue Triangle (Glasgow)
Housing Association Ltd**

**Anti-Social Behaviour Policy
HM 012 REV 1**

29 September 2016

Our Mission Statement

“Blue Triangle exists to support, accommodate and assist vulnerable people achieve better lives.”

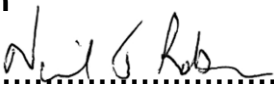
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REVISION HISTORY

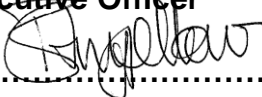
Rev No.	Rev. Date	Consultation Requirements (See Section 4 – Consultation)	Lead Officer	Committee	Approved by MB
0	April 2013	Revision and new template	IB	Housing Management	16 May 2013
1	May 2016	Revision and new template	IB	Housing Management	29 Sept 2016

Chairman

Signed: 

Dated: 29/09/2016

Chief Executive Officer

Signed: 

Dated: 29/09/2016

Section 1 Introduction

1.1 Rationale for the Policy

It is essential that we address any form of anti-social behaviour as this is prohibited by our Occupancy Agreement terms. This is done so that Service Users demonstrate respect for other people and meet their terms of occupancy. The Service User is also responsible for ensuring that their visitors do not breach any of the terms of occupancy.

This policy describes how we will address anti-social behaviour. The policy meets all relevant legal and regulatory standards (see Section 2).

1.2 Risk Assessment Statement

This Policy relates to a high area of risk within the Association since anti-social behaviour can affect the overall management of our projects. For example, as well as disrupting the lives of other people, anti-social behaviour can act as a drain on management time that is diverted from other activities.

1.3 Policy Context

This policy is needed to comply with law and also regulatory standards. Also, the Scottish Social Housing Charter requires social landlords to ensure that anti-social behaviour is addressed effectively (see Section 2).

Section 2 Legal and regulatory standards

2.1 Legal Framework

The legal framework that covers anti-social behaviour is complex and contained in different Acts such as the Anti-Social Behaviour etc. (Scotland) Act 2004. We have developed staff procedures that support this policy and staff will consider legal options when addressing each type of anti-social behaviour.

2.2 Occupancy Agreement

Our Occupancy Agreement is the contract that Service Users sign when they take up residence within our projects. This document prohibits anti-social behaviour as a term of occupancy. If a Service User breaches the Agreement, our staff will apply appropriate remedies to address the breach. These include considering management and judicial remedies. In serious cases, this might result in termination of the Agreement following our Occupancy Agreement Procedures.

2.2 Regulatory Standards: The Scottish Housing Regulator (SHR) (Governance and Financial Management)

Regulatory Standard 2

The RSL is open about and accountable for what it does. It understands and takes

account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.

Scottish Social Housing Charter

Outcome 11: Tenancy Sustainment

Social Landlords ensure that:

- tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations.

This **outcome** covers how landlords can help tenants who may need support to maintain their tenancy. This includes tenants who may be at risk of falling into arrears with their rent, and tenants who may need their home adapted to cope with age, disability or caring responsibilities.

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.

This **outcome** covers a range of actions that social landlords can take on their own and in partnership with others. It covers action to enforce tenancy conditions on estate management and neighbour nuisance, to resolve neighbour disputes, and to arrange or provide tenancy support where this is needed. It also covers the role of landlords in working with others to tackle anti-social behaviour.

Scottish Social Housing Charter Indicators for Anti-Social Behaviour

The following is required to be reported to the Regulator on an annual basis:

No.	Charter Indicators
19	Percentage of anti-social behaviour cases reported in the last year which were resolved within locally agreed targets: (I) Number of cases of anti-social behaviour reported in the last year (II) Number of cases resolved in the last year (III) Number of cases resolved within the locally agreed targets in the last year

There are strict definitions set down by the Regulator as to:

- (a) What is anti-social behaviour
- (b) What “resolved” means
- (c) The formula used to calculate the indicator

No.	Charter Indicator
20	Percentage of new tenancies sustained for more than a year, by source of let <ul style="list-style-type: none">(1) Number of tenancies commenced during the previous reporting year by source of let:<ul style="list-style-type: none">(a) Existing tenants;(b) Applicants who have been assessed as statutory homeless by the local authority,(c) Applicants from your housing list,(d) Nominations from local authority (RSL’s only)(e) other

There is strict definition set down by the Regulator as to:

- (a) What counts as who “commenced” a tenancy
- (b) What counts as “ending” a tenancy
- (c) The formula for calculating the indicator

2.3 Regulatory Standards: the Care Inspectorate

Standard 2 - Your legal rights

You will receive a written agreement which clearly defines the service that will be provided to meet your needs. This will set out the terms and conditions for receiving the service, and arrangements for changing or ending the agreement.

1. You will have a copy of this written agreement in a format that you can understand.
2. You will be able to look at the Care Commission’s inspection reports that relate to the housing support service.

Section 3 Policy Content

3.1 Anti-Social Behaviour Definition

The term “anti-social” is defined by the Anti-Social Behaviour etc. (Scotland) Act 2004, Section 142. Anti-social behaviour occurs when a person (a) acts in a manner that causes alarm or distress or (b) pursues a course of conduct likely to cause alarm or distress. The behaviour must affect at least one other person not of the same household as the person causing the alarm or distress.

Conduct includes speech and a course of conduct must involve conduct on at least two occasions.

Example:

Anti-social behaviour would occur if one of our occupants plays music at a high volume and this is a nuisance (that is, causes alarm or distress) to other occupants.

As agreed within our Occupancy Agreement, residents are responsible for the behaviour of their visitors. In serious cases, we will take action to end a resident's occupation, either because of their behaviour or their failure to address anti-social behaviour of their visitors.

3.1.1 Harassment Definition

Harassment is also a type of anti-social behaviour since it may cause other people alarm or distress. Harassment includes speech, including personal abuse.

Harassment is also defined legally, though, and involves pursuing a course of conduct that is either:

- intended to harass another person, or
- occurs in situations that a reasonable person would agree amounts to harassment (Note 1)

Example:

Contacting another resident on a regular basis in the evenings despite requests for such behaviour to stop.

(Note1: See the Protection from Harassment Act 1997, section 8 (1) (a) and (b)

3.1.2 Equal Opportunities and Anti-Social Behaviour

The Housing (Scotland) Act 2010 (section 39) requires us to promote equal opportunities throughout all of our services. This includes addressing any form of anti-social behaviour on grounds covered in the Equality Act 2010. These grounds are known in law as protected characteristics and make discrimination unlawful. We will, therefore, tackle any form of anti-social behaviour involving discrimination based on:

“... sex or marital status, or racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions”⁽²⁾

Note: The Anti-Social Behaviour etc. (Scotland) Act 2004, section 140, requires us to operate our Anti-Social Policy to ensure that we meet relevant equality obligations. This includes ensuring that there is no discrimination on grounds covered in the Scotland Act 1998, Schedule 5, L2.

- (2) The Scotland Act 1998, Schedule 5, L2, defines equal opportunities. The Anti-social Behaviour etc. (Scotland) Act 2004, section 140, requires us to operate its anti-social policy to ensure that we meet these equality obligations.

3.2 Types of Anti-Social Behaviour

Anti-social behaviour takes different forms and can cover both minor issues as well as serious matters. Examples of anti-social behaviour are unreasonable levels of noise and violence against neighbours.

3.3 Causes of Anti-Social Behaviour

We recognise that, although people are responsible for their behaviour towards others, causes of anti-social behaviour often arise because of “structural” matters such as:

- inappropriate housing management policies and practices, for instance, re-housing people together whose lifestyles are not compatible
- inadequate design standards, for example, not providing sufficient noise insulation and
- people being re-housed without appropriate support.

3.4 Tackling Complaints of Anti-Social Behaviour

In addressing anti-social behaviour, we base our actions on the following principles:

- we do not consider people themselves as being anti-social; the main concern is to deal with complaints about a person’s behaviour.
- we seek to prevent anti-social behaviour through effective management actions; in particular, this requires close inter-agency working practices.
- we consider legal actions only after management actions have been ineffective, or considered inappropriate.

3.5 Policy Principals

We have implemented this policy to meet law and good practice guidance to reduce anti-social behaviour. We will only end the Occupancy Agreement if occupants are responsible for anti-social behaviour and it is reasonable to do so.

We use various management and legal remedies to address anti-social behaviour; we may end a person’s Occupancy Agreement for anti-social behaviour if this is reasonable. For example, ending of occupancy may be necessary to provide a safe and secure environment for residents.

We seek to ensure that our policies reduce anti-social behaviour, for instance, by taking account of residents’ needs and preferences when establishing Occupancy Agreements.

We have established an anti-social behaviour strategy that is based on preventing unwanted behaviour. This includes setting time scales to ensure that staff address anti-social behaviour complaints promptly.

We seek to reduce anti-social behaviour through appropriate design standards, for example, by ensuring that security systems are effective.

We publicise this policy through our Service User's handbook and leaflets.

We work with other agencies to address incidents of anti-social behaviour. For instance, we work with Social Work, the Police and Local Authority Housing Departments.

We provide comprehensive and regular staff training to ensure that policy objectives are implemented effectively.

We have developed a number of performance indicators to measure service performance.

3.6 Dealing with Anti-Social Behaviour – Policy Stages

In order to address anti-social behaviour effectively, we use a comprehensive approach that includes consideration of all possible remedies. Remedies can include either management or judicial actions.

Our staff procedures are divided into different stages so that anti-social behaviour can be addressed using the most relevant actions. These stages are described below.

Stage 1 - Contact

If we receive a complaint of anti-social behaviour, we make contact with the occupant concerned. This may include both letters and personal visits. It is emphasised that we inform complainants of progress at all stages. A warning may be given at this stage. For example, the occupant may be failing to keep areas for which they are responsible clean and a letter may be sent advising the occupant of their obligations under the Occupancy Agreement.

Stage 2 – Management Actions

We will identify the nature and extent of the problem and implement appropriate action(s). Examples include:

- seeking to resolve disputes through meetings
- moving Service Users to other accommodation
- carrying out minor property alterations to improve sound insulation or security, and
- working with other agencies where their support is required to tackle anti-social behaviour

Examples of working with other agencies in partnerships include:

- local authority services such as education, environmental health, planning and social work
- the police
- mediation services

If management actions are not effective, we may then give a final warning.

We will also advise Service Users of actions that we are considering in resolving the complaint.

Stage 3 – Legal Actions

We consider using all available legal remedies, as well as asking other agencies to use other legal powers. This is extremely important as much anti-social behaviour involves criminal offences. For example, incidents involving threats of violence towards other people should be referred to the police as this represents a crime. It may also be appropriate in such cases to end the Service User's Occupancy Agreement.

3.7 Types of Legal Actions

We consider all relevant legal remedies that exist for addressing anti-social behaviour. We provide a leaflet on these remedies to Service Users.

The actual legal action taken depends on our assessment of each case taking into account all relevant circumstances. Legal actions are raised through our solicitor.

Examples of legal actions that we consider seeking are an:

- Interdict, and/or
- Antisocial Behaviour Order (ASBO).

An ASBO is a court order used to stop someone from:

- Pursuing a course of conduct that is causing alarm or distress to the community, or
- Behaviour that is likely to escalate to criminal levels if not stopped.

We may also apply for interim anti-social behaviour orders. This is to prevent the offender from continuing to perpetrate further anti-social behaviour until the case is determined in court.

3.8 Ending Occupancy

Whenever anti-social behaviour is extremely serious, we may consider seeking a court order to evict the household concerned. This will only happen where the grounds of anti-social behaviour are clearly established and it is deemed reasonable to seek an eviction. This will always be an action of last resort given that the Association operates a person-centred approach to service delivery which values and respects the rights of individuals.

3.9 Alternative Options

Other agencies

Other agencies play a major role in policy implementation. Indeed, we stress that successful actions often rests with other agencies such as the police.

We have, consequently, established close inter-agency links as follows:

- working with the police to remove noise-making equipment.
- working with the police to use their powers under criminal law, for example, arresting people who breach legal orders.

- working in partnership with local authorities to use their environmental powers to tackle problems of litter and rubbish.

Other accommodation

We consider offering occupants other projects where this may lead to a resolution of anti-social behaviour. In these situations, we will end the Occupancy Agreement and offer the person a new Occupancy Agreement in another project.

Section 4 Consultation

Section 54 of the Housing (Scotland) Act 2001 stipulates a requirement of RSL's to consult their tenants on policies and procedures which significantly affect their tenants; BTHA has no tenants but considers this a right which should be given to its service users/residents. The occupancy agreement that we use, therefore, includes a clause which indicates our commitment to consult with service users/residents.

The regulatory standards (Care and Housing) also stipulate that service providers should have robust consultation processes in place in order to comply. This means that if there are proposals or policies which could significantly impact on service users/residents such as those in relation to housing management, repairs and maintenance or more strategic changes that we endeavour to notify service users/residents of this and listen to any concerns. The main vehicle for this will be our service users/residents' forum.

We also operate a policy on consulting with staff and taking feedback on board. Service users/residents and staff will not be consulted on all policies – an assessment will be made at policy review as to what level of consultation (if any) will take place.

Section 5 Monitoring and review link with KPIs

Policies will be reviewed on a three yearly cycle according to a policy programme provided for committees on an annual basis at the start of the financial year. All policy reviews will take into account our Equality Impact Assessment toolkit requirements. Committees will report on performance to Committee of Management at the end of the year. We use a small number of key performance indicators (KPIs) which monitor critical success factors. Our policy monitoring framework tracks any policies which impact on KPIs. Other policies may have indicators which are monitored at departmental level.

The policy and its implementation will be reviewed by the Committee of Management.

Complaints details are analysed for trend information to ensure we identify service failures and take appropriate actions.

We will report to our Committee of Management on a quarterly basis performance on the KPI's expected by The Scottish Housing Regulator and also any improvements or changes that we have made in response to customer complaints.

We are required to report to the Scottish Housing Regulator on the following KPIs on an annual basis:

- Percentage of first and second stage complaints, including those related to equalities issues, responded to in full in the last year, that were resolved by the Association and also the percentage upheld

- Percentage of first and second stage complaints responded to in full in the last year, following the Scottish Public Services Ombudsman (SPSO) model Complaint Handling Procedure (CHP).

Section 6 Publishing and availability of policy

This policy is available in electronic format or hardcopy to all staff, service users and other customers, as appropriate.

Section 7 Accessibility

We are committed to promoting accessible services that address the needs of individual service users, as appropriate. For example, in terms of our complaint policy, this document can be provided in other formats such as in larger print or in audio-format.

Section 8 Other relevant policies and procedures

The Association has a wide range of policies covering corporate services (covers the entire Association) and operational services (covers only specific operational areas). It is important that this policy is not viewed in isolation but consideration is given to the wider context in which it operates.

Section 9 Complaints

We follow the model complaints handling system that has been developed by the Scottish Public Services Ombudsman (SPSO). This is a comprehensive procedure that allows for complaints to be dealt with in either one or two stages.

Complaints must be dealt with in line with set timescales so that complaints are dealt with quickly.

If still dissatisfied after Stage 2 has been completed, a dissatisfied customer can take their complaint to the SPSO.

Any service user wishing to complain should ask for a copy of our Complaints Procedure. A service user, alongside their right to complain to the SPSO, can also complain to the Care Inspectorate, the local authority or other commissioner of the service and they may have the right to complain to the Scottish Housing Regulator. To take their complaint further, a service user generally needs to go through our internal complaints procedure in the first instance.

Section 10 Equality impact assessment

The anti-social behaviour policy has been subjected to an internal equality impact assessment and eliminates adverse effects from an equality standpoint and promotes equality objectives in line with our equality strategy.