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Anti-Social Behaviour Policy

20th February 2023

Our Mission Statement

“To empower people to thrive.”

Revision history

Rev No.	Rev. Date	Consultation Requirements	Lead Officer	Committee	Approved by COM	Review Due:
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	
2	5 March 2020	Revision	IB	Quality and Performance sub-committee		
3	Feb 2023	Review and new template	LM	Delivery and Change	17 Aug 2023	Feb 2026

Chairperson

Signed: 

Dated: 17th August 2023

Chief Executive Officer

Signed: 

Dated: 17th August 2023

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 the people we support demonstrate respect for other people and meet their terms of occupancy. The Supported Person 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 Appendix A](#)).

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, the people we support are responsible for the behaviour of their visitors. In serious cases, we will take action to end a supported person’s occupancy, either because of their behaviour or their failure to address anti-social behaviour of their visitors.

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 (note 1) 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.

Note: See, for example, the Protection from Harassment Act 1997, Section 8 (1) (a) and (b). Harassment takes various forms and is also defined in other law such as the Equality Act 2010.

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 relevant protected characteristics:

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

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 could be playing music too loudly and exceeding acceptable noise levels, or acts of violence against neighbours or property.

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.

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.

Policy Principles

We have implemented this policy to meet law and good practice guidance to reduce anti-social behaviour. In line with our practice, we end a supported person’s occupancy only if there is a relevant ground and we have applied our occupancy agreement procedures.

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 the supported person.

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

We seek to prevent antisocial behaviour through our staff procedures. 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 Supported Person'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.

Dealing with Anti-Social Behaviour – Policy Stages

In order to address anti-social behaviour effectively, we use a comprehensive approach that includes consideration of a range of 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 Supported people 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; and
- ▲ mediation services.

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

We will also advise Supported People of actions that we are considering in resolving the complaint.

Stage 3 – Legal Actions

We consider using a range of legal remedies as well as making 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 Supported Person's Occupancy Agreement

Types of Legal Actions

We consider a range of legal remedies that exist for addressing anti-social behaviour. We provide a leaflet on these remedies to the people we support.

- ▲ law, for example, arresting people who breach legal orders; and
- ▲ working in partnership with local authorities to use their environmental powers to tackle problems of litter and rubbish. 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.

Alternative Options – other agencies

Other agencies play a major role in policy implementation. Indeed, we stress that addressing incidents of antisocial behaviour effectively often lies 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

Other accommodation

We consider offering occupants accommodation in other services 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 service.

Ending Occupancy

We may also consider ending an occupancy for antisocial behaviour through methods set out in our occupancy agreement. These methods are based on clear legal rules and we ensure that supported people receive advice and information about other housing options if it is necessary to end an occupancy.

Appendix A Legal and regulatory standards

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 and the Housing (Scotland) Act 2001. The latter is especially important for those landlords which have Scottish secure tenancies. Although we do not have such tenancies, we take account of the important legal principle of acting with reasonableness when addressing antisocial behaviour. We have developed staff procedures that support this policy and staff will consider legal options when addressing each type of anti-social behaviour.

Occupancy Agreement

Our Occupancy Agreement is the contract that Supported People sign when they take up residence within our services. This document prohibits anti-social behaviour as a term of occupancy. If a Supported Person 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

The Scottish Housing Regulator requirements – The Standards of Governance and Financial Management

Assurance requirements

- ▲ Have assurance and evidence that it is meeting all its legal obligations associated with housing and homelessness services, equality and human rights, and tenants and safety of supported person.
- ▲ Notify us of any tenant and supported person safety matters which have been reported to, or are being investigated by the Health and Safety Executive, or reports from regulatory or statutory authorities, or insurance providers, related to safety concerns

Regulatory standard 2

The RSL is open and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, supported people and stakeholders. And its primary focus is the sustainable achievements of these priorities

2.1 The RSL gives tenants, supported people and other stakeholders information that meets their needs about the RSL, its services, its performance and its future plans

2.4 The RSL seeks out the needs, priorities, views and aspirations of its tenants, supported people and stakeholders. The governing body takes account of this in its strategies, plans and decisions

Regulatory standard 4

The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose

4.3 The governing body identifies risks that might prevent it from achieving the RSL's purpose and has effective strategies and systems for risk management and mitigation, internal control and audit

Significant performance failures

The Scottish Housing Regulator (SHR) has a duty to consider issues raised with them about “significant performance failures”. A significant performance failure is defined by the SHR as something that the landlord does or fails to do that puts the interests of its tenants at risk, and which the landlord has not resolved. That is something that is a systemic problem that does, or could, affect all of a landlord’s tenants. Examples of a significant performance failure could be if social landlords are not:

- ▲ delivering the outcomes and standards in the Scottish Social Housing Charter over a period of time; or
- ▲ achieving the regulatory standards on governance or financial management

OSCR (office of the Scottish Charity Regulator)

Charity trustees’ duties are set out in The Charities and Trustee Investment Act (Scotland) 2005. OSCR sets out in their guidance “Guidance and Good Practice for charity trustees, June 2016 what charity trustees must consider, so that they meet legal requirements and ensure that their charities are well run.

There are specific duties around:

- ▲ acting in the interests of the charity and its purposes
- ▲ acting with due care and diligence
- ▲ reporting to OSCR
- ▲ financial records and management
- ▲ providing information to the public

The Scottish Housing Charter and Indicators Neighbourhood and Community

Charter standard 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

Access to housing and support

Charter standard 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

Scottish Social Housing Charter Indicators

- 15 Percentage of antisocial behaviour cases reported in the last year which were resolved
- (i) Number of cases of anti-social behaviour reported in the last year
 - (ii) Of those at (i) the number of cases resolved in the last year
- 22 The number of court actions initiated which resulted in eviction and the reasons for the eviction
- (iii) The number of properties recovered for anti-social behaviour

Care Inspectorate

Health and Social Care Standards

3. I have confidence in the people who support and care for me

Wellbeing

- ▲ I am protected from harm, neglect, abuse, bullying and exploitation by people who have a clear understanding of their responsibilities (3.20)
- ▲ I am protected from harm because people are alert and respond to signs of significant deterioration in my health and wellbeing, that I may be unhappy or may be at risk of harm (3.21)
- ▲ I am listened to and taken seriously if I have a concern about the protection and safety of myself or others, with appropriate assessments and referrals made (3.22)
- ▲ If I go missing, people take urgent action, including looking for me and liaising with the police, other agencies and people who are important to me (3.23)
- ▲ If I might harm myself or others, I know that people have a duty to protect me and others, which may involve contacting relevant agencies (3.24)
- ▲ I am helped to feel safe and secure in my local community (3.25)