

FORTH HOUSING ASSOCIATION LIMITED
ANTI-SOCIAL BEHAVIOUR POLICY

Governance: Housing Management

Code: HM04

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Cross Reference:

HM 03 - Allocation Policy
HM 07 - Estate Management Policy
HM 09 - Harassment Policy
HM 13 - Pets Policy
HM 32 - Tenancy Management Policy
EVH Landlords Control Manual



This document can be made available in alternative languages or formats (such as large print, audio etc.). Please contact staff as required.

1.0 Introduction

- 1.1 Forth Housing Association Limited is committed to helping tenants to sustain their tenancy and maintain peaceful enjoyable environments for all our residents. We will take all reasonable steps to prevent anti-social behaviour occurring and we will take appropriate action where necessary.
- 1.2 This policy aims to define behaviour which could be classed as anti-social behaviour and outline how the Association will deal with complaints.

2.0 What is Anti-Social Behaviour

- 2.1 *The Anti-social Behaviour (Scotland) Act 2004* states:

A person engages in anti-social behaviour if the person –

(a) acts in a manner that causes or is likely to cause alarm, distress, nuisance or annoyance;

or

(b) pursues a course of conduct that causes or is likely to cause alarm, distress, nuisance or annoyance, to a person residing in, visiting or otherwise engaging in lawful activity at, or in the locality of, a relevant house.

- 2.2 *The Anti-social Behaviour, Crime and Policing Act 2014* states:

2 (1) In this Part “anti-social behaviour” means -

(a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,

(b) conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises, or

(c) conduct capable of causing housing-related nuisance or annoyance to any person.

3.0 Tenants Responsibilities

- 3.1 All tenants have a responsibility to keep to the terms of their Scottish Secure Tenancy agreement, have respect for others and ensure that their households or visitors behaviour does not adversely impact on their neighbours homelife or

the neighbourhood. The Association will ensure that tenants are aware of their responsibilities at the start of tenancy and throughout, where required.

- 3.2 Tenants will be expected to try and resolve disputes with their neighbour directly, in an amicable manner, before the Association gets involved. Where a problem persists, or it is not appropriate for the tenant to approach their neighbour directly, the Association will get involved.
- 3.3 Tenants in flatted dwellings, particularly those living in closes, should expect to experience more noise interactions with other households due to the nature of the building layout. Similarly, tenants living within town centre locations should expect to experience more noise from their surrounding environment.
- 3.4 Tenants expectations can differ greatly however, tenants will be asked when making a complaint to consider the following:
 - Is this a one off incident?
 - Is it a housing matter?
 - Is it a Police matter ?
 - Is it anti-social behaviour?
 - What time of day is it?
 - Is it reasonable behaviour?
 - Is it deliberate behaviour?
 - Is it different lifestyles or a clash of lifestyles?

4.0 What We Will Investigate

- 4.1 We will investigate complaints of genuine anti-social behaviour against our tenants, where the complainant has attempted to resolve matters themselves or we are in receipt of complaints, and the behaviour is ongoing, or the behaviour is of a serious nature, for example;
 - Physical assault against an individual/household
 - Abusive/threatening behaviour towards an individual/household
 - Any form of harassment or harassing behaviour towards an individual/household
 - Excessive noise/disturbances from parties
 - Excessive noise/disturbances from disputes between neighbours
 - Malicious damage to the Associations' property
 - Illegal activity from the property or locality of the property where there has been Police involvement

** Complaints where there is an ongoing Police investigation will be recorded and actioned when the Association is permitted.*

5.0 What We Cannot Investigate

- 5.1 Anti-social behaviour has a different meaning to individual people. Similarly, tolerance levels and the effects of anti-social behaviour can vary from person to person. We understand that tenants have different lifestyles and expectations however we cannot investigate matters, for example;
- Parking disputes/noise from vehicles
 - Noise from everyday living e.g. household appliances/DIY tools (unless continuous, excessive and out with daytime hours)
 - Incidents that have not taken place within the locality of the tenant's home or are not housing related matters
- 5.2 The Association cannot investigate a complaint where there is an ongoing Police investigation. The Association will however take the lead from the Police/Associations Solicitors on the legal outcome of these investigations and thereafter take the appropriate action, when permitted. Complaints of this nature will be recorded for information only where it is a housing related matter that enforcement or legal action could be taken against the tenant by the Association.
- 5.3 Anonymous complaints will be noted for information. Anonymous complaints, written or verbal, will not be investigated unless the complaint described is considered serious e.g. Police attendance or action is merited.
- 5.3 The Association will provide the necessary support to the victim of domestic abuse, assist them in seeking advice and support from relevant agencies e.g. Homeless Section, Social Work, Victim Support, Women's Aid.
- 5.4 Complaints regarding hate crime will be reported to Police Scotland by the Association as a third party reporting authority.

The Hate Crime and Public Order (Scotland) Act 2021 states that the following groups or protected characteristics covered by the hate crime legislation.

- *Age*
- *Disability*
- *Race, colour, nationality (including citizenship), or ethnic or national origins*
- *religion or, in the case of a social or cultural group, perceived religious affiliation*
- *Sexual Orientation*
- *Transgender Identity*
- *Variations in sex characteristics*

Following Police investigations, the Association will address these incidents under the *Harassment Policy*.

- 5.5 Complaints regarding harassment are addressed under the *Harassment Policy*.

- 5.6 Complaints regarding pets are addressed under the *Pets Policy*.
- 5.7 Complaints regarding running a business, the condition of a property or the condition of a garden are addressed under the *Tenant Management Policy* and the *Estate Management Policy*.

6.0 Misuse of Drugs/Criminal Activity

- 6.1 Tenants are required to report incidents regarding drug dealing or criminal activity to the appropriate agencies.
- Current incidents where there is an immediate risk to life should be reported immediately to the Police on the appropriate emergency number.
 - Incidents of assault, robbery etc that have taken place should also be reported to the Police on the appropriate number.
 - Concerns regarding drug dealing or criminal activity should be reported to Crime Stoppers UK via telephone, email or via their website.
- 6.2 The Association will take the lead from the Police or the Associations Solicitors on the legal outcome of these investigations. The Association will thereafter take the appropriate action, when permitted and if it is a housing related matter. Each potential legal case will be considered on its own merits to ensure that the Association is utilising tenants funds appropriately.

7.0 How We Will Record Complaints

- 7.1 Complaints will be recorded on our computerised complaints system which is specifically designed for this purpose. This allows the Association to record, monitor and report accurately to the Management Committee and the Scottish Housing Regulator.
- 7.2 Complaints will be recorded under the following categories:
- Cat A -** Anti-social behaviour involving personal attack, violence, unprovoked assault, threatening and abusive behaviour and any form of harassment.
- Cat B -** Anti-social behaviour involving criminal activity, drug dealing, vandalism and criminal damage to property.
- Cat C -** Anti-social behaviour involving excessive persistent noise, partying, loud music/disturbances and neighbour disputes.

** Complaints where there is an ongoing Police investigation will be recorded and actioned when the Association is permitted.*

8.0 How We Will Respond to Complaints

8.1 All complaints will be acknowledged within two working days. This will be done verbally, by email or in writing, subject to the complainants preferred method of contact. At this time the complainant will be advised of the timescales involved regarding actioning, investigating and concluding their complaint.

8.2 Complaints will be actioned within the following timescales:

Cat A - within **one working day**

Cat B - within **three working days**

Cat C – within **five working days**

All complaints will be actioned, and the actions taken recorded on the computerised system, within the prescribed timescales. Some investigations will take longer to be carried out however, we will provide feedback to the complainant within **ten working days** of receipt of the complaint.

8.3 We will advise the complainant, within **ten working days** of receipt of the complaint, of the outcome or advise if further investigations are required and of what action, if appropriate, will be taken to conclude the matter. We aim to conclude all complaints within **20 working days** of receipt of the complaint.

8.4 Where appropriate, a Police report will be requested to confirm the outcome of their officer's attendance and to corroborate complaints made.

8.5 The Association will record accurately the complaint made. In the event that further information is required, the complainant will be contacted again, they may also be asked to provide a written witness statement.

8.6 The Association will carry out reasonable enquiries and conduct neighbour interviews, if appropriate, to corroborate complaints made.

8.7 The Association will discuss with the tenant the allegations made against them, their household or visitors, and allow them the opportunity to provide their account of the incident.

- 8.8 The Association will, subject to restrictions imposed under the Coronavirus Act 2020 and subsequent Acts, ensure that personal contact is made with all parties in relation to anti-social behaviour to emphasize the consequences of the offending behaviour.
- 8.9 At no point will the tenant be advised, or alluded to, the complainants identity. Complainants will however be advised, due to the nature of some complaints, that it will not always be possible to protect their identity.
- 8.10 Letters will be sent to surrounding neighbours, if appropriate, to encourage them to provide information in relation to anti-social behaviour.
- 8.11 A closing letter will be issued to the tenant, if appropriate, reminding them of their responsibilities under the Scottish Secure Tenancy Agreement.

9.0 Ongoing Anti-social Behaviour

- 9.1 In the event that a tenant pursues a course of anti-social behaviour, the Association will use the following tools to monitor and corroborate complaints made:
- Computerised complaints system – the Association will monitor trends and previous complaints of alleged anti-social behaviour of tenants.
 - Diary Records – complainants will be asked to complete a diary in order to identify the frequency, patterns of times and nature of the alleged anti-social behaviour.
 - Noise Monitoring Equipment – where appropriate and available, the Association will have noise monitoring equipment installed or made available in the complainant's home. This would allow the Association to ascertain if a tenant is breaching permitted noise levels within the specified time periods as stated in the *Antisocial Behaviour etc. (Scotland) Act 2004*.

The time periods and corresponding permitted noise levels have been defined as follows:

- Daytime 07.00 - 19.00 hours Levels not exceeding 41decibel
- Evening 19.00 - 23.00 hours Levels not exceeding 37decibel
- Night-time 23.00 - 07.00 hours Levels not exceeding 31decibel
- Police Reports – where appropriate, the Association will seek corroborating information from Police Scotland.

- Safer Communities – the Association works closely with Stirling Council’s Safer Communities Team to provide assistance and support to complainants.
- Mediation – the Association will, where appropriate, offer mediation services to tenants involved in order to try and resolve neighbour disputes amicably and quickly.
- Support – the Association will support tenants affected by anti-social behaviour and where a course of tenancy enforcement or legal action is being taken against a tenant. This may involve partnership working with other relevant agencies that could assist the tenant e.g. Police Scotland, Stirling Council’s Safer Communities, Homeless Section, Social Work, Victim Support.

10.0 Tenancy Enforcement

10.1 The Association is required to follow a course of tenancy enforcement to try and resolve the anti-social behaviour of a tenant.

10.2 Tenant’s will be advised of the importance of corroboration of complaints in order to able to pursue a legal course of action in relation anti-social behaviour.

10.3 The following tools will be used to prevent anti-social behaviour:

- **Scottish Secure Tenancy Agreement** – the Association will ensure that tenants are fully aware of their responsibilities under the Scottish Secure Tenancy agreement from the start of their tenancy.
- **Newsletter** – the Association will remind tenants of their responsibilities through articles in the quarterly newsletter, as appropriate, in relation to updates on legislation, policy and outcomes of successful court action that has been taken.
- **Warning Letters** – the Association will write to tenants to remind them of their responsibilities under the Scottish Secure Tenancy Agreement. The appropriate letter will be sent from a suite of standard letters formulated by the Association.
- **Acceptable Behaviour Contracts** – the Association will request that the tenant agrees and signs an acceptable behaviour contract. This is a voluntary agreement between the tenant and the Association which will stipulate conditions set to prevent the tenant acting in an anti-social manner.
- **Interdicts** – the Association may apply to the court for an Interim Interdict to be served against the tenant. This is used as a preventative remedy to stop anti-social behaviour continuing or being committed.

- **Anti-social Behaviour Orders** – the Association may apply to the Court for an Anti-social Behaviour Order to be served against the tenant. This is a court order which prohibits a person from doing anything described in the order. A breach of an Anti-social Behaviour Order is a criminal offence.
- **Short Scottish Secure Tenancy** – the Association may seek to convert the tenants Scottish Secure Tenancy to a Short Scottish Secure Tenancy for a period of 12 months. The purpose of this conversion of tenancy is to encourage anti-social behaviour to stop and for the tenancy to be sustained.

At the end of the term of the short Scottish Secure Tenancy,

- the tenancy will be converted back to a Scottish Secure Tenancy; or
 - the Short Secure Tenancy will be extended for a further period of 6 months; or
 - the Association will raise proceedings for recovery of possession.
- **Notice of Proceedings for Recovery of Possession** – the Association will serve a notice on the tenant advising that we may, at any time during a period of 6 months, raise court proceedings for possession of the property due anti-social behaviour.
 - **Court Action** – where anti-social behaviour persists, the Association will consider raising proceedings for recovery of possession. Each case would be reviewed on its own merits as this could potentially result in the tenant being evicted from their home and to ensure that the Association is utilising tenants funds appropriately.

11.0 Complaints Against Members of Management Committee

- 11.1 Where the Association is in receipt of complaints from or regarding tenants (or their households) that are also members of our Management Committee, complaints will be dealt with in line with this policy.
- 11.2 Where there is a conflict of interest, a Management Committee member will not be included in any discussions at Board meetings in relation to specific cases or discussions in relation to policy matters, particularly where the Associations response is required in relation to the complaint.

12.0 Complaints Against Non-Tenants and Owner Occupiers

- 12.1 When dealing with mixed tenures and anti-social cases involving non-tenants, we will make every attempt to resolve the problem through informal, non-legal

remedies such as mediation and will give support and assistance to our tenants who are experiencing anti-social behaviour from an owner-occupier.

- 12.2 There are times when complaints are made by residents or members of the public, who are not tenants, about experiencing anti-social behaviour, such as level of noise, from a tenant. In such situations we will ensure that the tenant is dealt with under this policy.
- 12.3 Where the Association has no jurisdiction e.g. owner-occupier, the Association will assist the tenant in making referrals to Stirling Council's Safer Communities Team.

13.0 Equality

- 13.1 All tenants and complainants will be treated equally, fairly and in an impartial manner.
- 13.2 The Association will enforce tenancy conditions in a firm but fair manner, to deliver tenants' rights and encourage tenants to meet their responsibilities.
- 13.3 The Association will make sure that everyone has equal access to the information and services we provide. This policy will be made available in different formats, large print, languages and braille as required to ensure that no individual or group of individuals are disadvantaged .

14.0 Monitoring and Reporting

- 14.1 All complaints are recorded on our computerised complaints system for the purposes of:
- to monitor types and number of complaints received
 - to monitor timescales for investigation and recording of complaints is within timescale
 - to monitor trends of anti-social behaviour
 - to evaluate and prevent anti-social behaviour escalating further
 - to take appropriate action to stop anti-social behaviour
 - to measure performance against Key Performance Indicators
 - to report to Management Committee on a quarterly basis
 - to report to the Scottish Housing Regulator, and to tenant's or members of the Association, in our annual report

15.0 Staff Training

15.1 The Association will ensure that staff are:

- kept informed on legislative changes
- have access to relevant training for skills development
- encouraging tenants to meet their responsibilities
- delivering excellent customer services
- engaging with our communities and encouraging tenant involvement

16.0 Complaints

16.1 Any tenant, customer or agency that is dissatisfied with the management of their case will be advised of our Complaints Policy and Procedure.

17.0 Policy Review

17.1 This policy will be reviewed every 3 years, or when required, to ensure that it meets current legislation and good practice guidance.