

SERVITE HOUSING ASSOCIATION

ANTI- SOCIAL BEHAVIOUR POLICY

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SERVITE HOUSING ASSOCIATION LTD

POLICY STATEMENT: ANTI-SOCIAL BEHAVIOUR

1. Introduction

- 1.1 The purpose of this Policy Statement is to set out the Association's policy in respect of anti-social behaviour and to provide a framework within which incidents of anti-social behaviour will be dealt with by the Association's staff.
- 1.2 Servite Housing Association aims to make its homes and communities pleasant and secure places to live. It recognises the rights of its tenants and their neighbours to peaceful enjoyment of their homes. It expects its tenants to respect the values and lifestyles of others within the community and to act reasonably and with consideration for others. It will use all powers available to it to deal effectively with incidents of anti-social behaviour caused by or affecting its tenants.
- 1.3 Where appropriate, the Association will work closely and co-operate with other agencies whose functions and remits extend to dealing with any aspects of anti-social behaviour

2. Scope of the Policy

- 2.1 This policy describes the activities and responsibilities of Housing Services staff regarding Anti-Social behaviour.
- 2.2 The Anti-Social behaviour Policy applies to all rented, shared ownership and mixed tenure developments owned or managed by the Association.
- 2.3 The Anti-Social behaviour Policy complies with the Association's Financial Regulations.

3. Context

- 3.1 The Anti-Social behaviour Policy meets with legislative and good practice requirements including:

The Scottish Secure Tenancy (SST)

SFHA Raising Standards Chapter 15

Housing (Scotland) Act 1987

Crime and Disorder Act 1998

Antisocial Behaviour etc (Scotland) Act 2004.

**Schedule 7, Housing (Scotland) Act 2001 (Gifts or Hospitality)
Data Protection Act 1998**

- 3.2 The Anti-Social behaviour Policy complies with the following Communities Scotland's Performance Standards:

AS1.19 – This requires the Association to deal appropriately with anti-social behaviour and to work in partnership with other agencies to manage such behaviour.

GS1.2 – we have high-quality written policies and procedures to guide our actions.

GS1.3 - we actively strive for continuous improvement in all we do.

GS2.2 - we have published and are implementing a sound strategy for encouraging and supporting tenants, residents and service users to participate actively in all areas of our work. We support tenants who take an active interest in managing their homes.

GS3.1 – we place the people who want to use our services at the heart of our work. We treat people with respect and are responsive to their views and priorities.

3.3 The Anti-Social behaviour policy supports the strategic requirements of the Association's Business and Strategic Development Plans and links to the Association's Tenant Participation Strategy, Estate Management Policy, Equal Opportunity Policy and Risk Management Strategy.

3.4 This Policy Statement will be supported by detailed Procedures which will assist staff dealing with incidents of anti-social behaviour to offer appropriate responses, support and action.

3.5 This Policy Statement will provide a response to the following definitions of anti-social behaviour:

- Section 19(1) of the Crime and Disorder Act 1998 defines anti-social conduct as “that which causes or is likely to cause alarm or distress to one or more persons not of the same household
- The Association's Scottish Secure Tenancy Agreement defines anti-social conduct as conduct “causing or likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to anyone's property. Conduct includes speech”.
- Anti-social behaviour can manifest itself in many ways, often depending on local circumstances, and can range from a minor irritation to serious criminal activity. In practice, anti-social behaviour covers a wide range of actions and behaviours including, but not limited to, the following;
 - Harassment and intimidating behaviour
 - Behaviour that creates alarm or fear
 - Noisy neighbours
 - Drunken and abusive behaviour
 - Vandalism, graffiti and other deliberate damage to property
 - Nuisance from vehicles, including parking and abandonment
 - Dumping rubbish and litter
 - Failure to control animals and pets
 - Use or sale of drugs or other substances.

- Relatively minor breaches of the Association's Tenancy Agreement, such as failure to maintain garden areas satisfactorily, will not normally be classed as anti-social behaviour but will be dealt with under the Association's estate management procedures
- Where there appears to be evidence that a particular household is being deliberately targeted and subjected to incidents intended to annoy, intimidate or disturb them because of their ethnic background, colour, race, gender, sexual orientation, religion, disability or any other specific personal circumstances then this will normally be classed as harassment and dealt with under the terms of the Association's Harassment Policy and Procedures.

3.6 The Association will ensure that all staff receive the appropriate training and support in order to meet the requirements of this policy and related procedures.

4. Policy Aims

The following framework of aims and principles will guide the Association's response to complaints of anti-social behaviour.

- Taking Complaints Seriously
All reports of anti-social behaviour will be taken seriously and individuals will be provided with the opportunity to discuss their concerns with members of staff. It is not necessary for complaints to be made in writing, although records of verbal complaints which are recorded by staff may need to be signed by the persons making the complaints. Anonymous complaints will be followed up where there is independent evidence – eg obvious vandalism, damage or graffiti to a property – available to the Association. We acknowledge that anonymous complaints are sometimes an indication of fear of reprisal or intimidation.
- Responding to Complaints
The Association will respond promptly to complaints of anti-social behaviour. We recognise that a speedy response can often result in issues being resolved before they escalate into more serious incidents
- Fairness and Impartiality
A consistent approach will be adopted to complaints which respects the rights of both the complainant and the alleged perpetrator(s). Where the Association is satisfied that one of its tenants is involved in anti-social behaviour then it will be proactive in trying to resolve the problems being caused
- Support to Victims
Support, including regular feedback/updates on action taken or progress of cases, will be provided to the victims of anti-social behaviour. This feedback may include advice on the limitations of the Association's powers to deal with specific incidents or circumstances and on the most appropriate other agency to be contacted or involved.
- Confidentiality
The confidentiality of all parties involved in cases of anti-social behaviour will be respected. It is recognised, however, that parties involved in cases can often be identified from the nature of the complaints made.

- Involvement of Others
In responding to reports of anti-social behaviour the Association's staff may have to approach other tenants or residents to seek confirmation or corroboration of events. In cases of persistent or widespread anti-social behaviour the support of community groups may be sought to assist in addressing problems and to support initiatives being pursued by the Association. _
- Remedies
Except in cases of serious criminal activity or persistent serious anti-social behaviour the Association will attempt to achieve a resolution without recourse to legal action. This will be done with reference to the terms of the Tenancy Agreement and by working with appropriate voluntary and statutory agencies such as mediation services, police, environmental protection services, etc. Measures such as Acceptable Behaviour Contracts and Parental Control Contracts will be used where appropriate.
Where preventative or management approaches fail to resolve cases then more formal action will be considered. The legal remedies which the Association might pursue include the following:
 - Interdict
 - Seizure of equipment causing noise
 - Anti-Social Behaviour Orders or Injunctions
 - Parenting Orders
 - Eviction.

Where the Association does not have direct legal powers to take any particular course of action then it will seek the co-operation of the relevant agency to take action against the tenant(s) concerned.

- Drugs
The Association recognises that the misuse of drugs can have a serious effect on those who misuse them, their families, and their communities. Involvement with drugs can often have a direct link to anti-social behaviour, particularly where the supply or sale of drugs is taking place. While each case will be considered on its merits, the Association will normally seek eviction in cases where its tenants or members of their families have been convicted of the sale or supply of drugs to others in their communities. Convictions for the possession of drugs for personal use will not normally result in the Association seeking eviction unless there are other aspects of anti-social behaviour - such as nuisance to neighbours, damage to property, etc - involved.

4.1 Working with Other Agencies

- The legislative framework means that many other agencies have a role to play in dealing with anti-social behaviour. This includes agencies such as the Police, Social Work Services, Environmental Health Services, Schools/Education Departments, Cleansing Services, specialist Anti-social Behaviour Teams, etc. The Association will work with all such agencies to seek effective responses to anti-social behaviour.

- The specific duty placed on police and local authorities to prepare Anti-Social Behaviour Strategies for their areas is acknowledged by the Association, which will co-operate in the preparation and implementation of such strategies. In implementation of such strategies the Association will work with other agencies, including other local landlords, in appropriate community-wide initiatives aimed at achieving a consistent approach to tackling anti-social behaviour.
- The Association may pay for external agencies such as mediation services, professional witness services, etc where it is considered that the involvement of such agencies would assist in resolving, or provide information which might assist in resolving, cases of anti-social behaviour.

4.2 Incidents Involving Persons who are not Tenants of the Association

- In cases where tenants of the Association are suffering anti-social behaviour from persons who are not themselves tenants of the Association or members of their families, the Association will work with other relevant agencies to attempt to secure a resolution of the problems. Support and advice will be provided to the Association's tenants throughout the process. If it is possible for the Association to take direct action against perpetrators of anti-social behaviour who are not its tenants – eg for causing vandalism or damage to its properties – then it will do so.
- Where tenants of the Association or members of their families are proven to be causing anti-social behaviour to persons who are not tenants of the Association then it will pursue whatever remedies are available to it under the terms of the Tenancy Agreement and any other relevant legislation to deal with the problems being caused.

4.3 Preventative Measures

- The Association will seek to minimise the potential effects of anti-social behaviour through the design, construction, and improvement of its properties. This will include designing all new projects to “Secure by Design” standards and ensuring adequate sound insulation between properties where practical.
- Our Anti-social Behaviour Policy will be publicised to tenants through information leaflets, tenants handbooks, newsletters etc. By doing so we will seek to ensure that all our tenants are aware of our views on anti-social behaviour and the standards of conduct expected of our tenants.

5. Areas of Responsibility

- 5.1 **Committee of Management** – has responsibility for ensuring that this policy complies with regulatory and legislative requirements and in meeting the Association's Business Plan and budget.
- 5.2 **The Chief Executive** – has responsibility for ensuring that this policy is applied to ensure compliance with regulatory and legislative requirements and in meeting the Association's Business Plan and budget.

- 5.3 **The Housing Services Director** – has responsibility for ensuring that appropriate Housing Services support and timely advice is provided to the Management Committee, Management Team and relevant staff to ensure compliance with regulatory and legislative requirements and in meeting the Association's Business Plan and budget.
- 5.4 **The Finance Director** – has responsibility for ensuring that appropriate financial support and advice is provided to the Management Committee, Management Team and relevant staff to ensure compliance with regulatory and legislative requirements and in meeting the Association's Business plan and budget.
- 5.5 **The Business Development Director** – has responsibility for ensuring that appropriate Business Development support and advice is provided to the Management Committee, Management Team and relevant staff to ensure compliance with regulatory and legislative requirements and in meeting the Association's Business Plan and budget.

6. Equal Opportunities Implications

- 6.1 The Association will ensure the promotion of equal opportunities by publishing information in different community languages and other formats such as large print, tape and Braille, as required.
- 6.2 The Association will ensure that no individual is discriminated against on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or other personal attributes, including beliefs, or opinions, such as religious or political beliefs.

7. Sustainability Implications

- 7.1 This policy has no direct sustainability implications.

8. Risk Management

- 8.1 The Management Committee will consider the risk management factors of Anti-Social Behaviour management including:
- Non-compliance with Communities Scotland Performance Standards,
 - The potential harm to the Association's reputation as a provider of quality housing developments as a consequence of not introducing this policy.

9. Tenant Participation

- 9.1 The Association has consulted with tenants and staff when formulating the Anti Social Behaviour Policy and Procedure in accordance with the regulatory and legislative requirements of the Housing (Scotland) Act 2001.

10. Complaints Procedure

- 10.1 Any tenant, sharing owner and owner may submit a complaint, using the Association's complaints procedure if it is felt that the Association has failed not to correctly apply the Anti Social Behaviour policy.

11. Performance Monitoring

- 11.1 The Housing Services Director will have overall responsibility for monitoring standards covering this policy and provide an annual report to the Management Committee. The purpose of this reporting will be to allow Committee Members to satisfy themselves that appropriate action is being taken.
- 11.2 Targets for resolving cases of anti-social behaviour may be set by the Housing Services Director. Where such targets have been set then progress in meeting them will be reported Committee on a quarterly basis.
- 11.3 Staff will be authorised to pursue any appropriate action to resolve cases of anti-social behaviour. The Housing Services Director will be given delegated responsibility to pursue the eviction of any tenant for acts of anti-social behaviour. The Housing Services Director will report details of all evictions to the Committee of Management.

12. Policy Review

- 12.1 The Association will carry out a further review of the Anti-Social behaviour Policy in 2010. Amendments may be made as required following consultation with service users and other agencies.