Anti-Social Behaviour Policy

Document Control

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Associated Documents Considered	Yes	✓	No	

1. Scope of the Policy

1.1 Waverley Housing is a member of the Scottish Borders Anti-Social Behaviour Working Group. The group consists of representatives of Police Scotland; Scottish Borders Council; Berwickshire Housing Association; Scottish Borders Housing Association (SBHA); Eildon Housing Association and Waverley Housing.

1.2. The Working Group will continue to meet in order to constantly monitor and review ongoing anti-social behaviour cases (Core Monitoring Group) and reviewing of the strategy for dealing with anti-social behaviour (Strategy Group).

1.3. The Anti-Social Behaviour Policy complies with the following part of the Scottish Housing Charter:

Neighbourhood and Community

6. Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes.

Social landlords, working in partnership with other agencies, help to ensure as far as reasonably possible, that tenants and other customers live in well-maintained neighbourhoods where they feel safe.

2. Objectives of the Policy

2.1. The irresponsible actions of a tenant, members of their household and/or visitors can have a serious or harmful effect on the quality of life and/or accommodation for both tenants and other residents in a given locality. Waverley Housing will take all reasonable steps to ensure that tenants are able to peacefully occupy their homes.

2.2. In dealing with incidents of anti-social behaviour, we will operate within the principles and protocols contained in the Scottish Borders Anti-Social Behaviour Policy & Procedures Manual and will process complaints of anti-social behaviour in accordance with our own internal procedure.

2.3. We recognise the importance of undertaking preventative work to avoid anti-social behaviour occurring. This includes clarifying to tenants at sign up of their tenancy and their subsequent settling in visit the importance of them conducting their tenancy in a responsible manner and avoiding causing nuisance or annoyance to their neighbours.

2.4. Tenants are able to access our staff, to provide assistance on a range of matters e.g. hoarding, failing to control pets, noise complaints and staff intervention at an early stage can be effective in preventing such matters from escalating.

2.5. Housing allocations may be managed in order to seek to minimise potential anti-social behaviour problems from occurring for example a Local Lettings Plan may be introduced to avoid allocating properties in a certain area to applicants who have previously exhibited anti-social behaviour.

The Company will also make use of, where appropriate, the Short Scottish Secure

Tenancy Agreement (SSST). Before issuing an SSST, all prospective tenants must first be issued with a Section 34 Notice, detailing the reasons for the SSST. This must be signed, dated, and timed **before** the Tenancy Agreement can be signed. Failure to do so will make the SSST null and void and the tenant will automatically be awarded an SST.

2.6. A SSST for ASB can be issued in the following circumstances:

a) Where a court has granted an Anti-Social Behaviour Order (ASB) or a Criminal Anti-Social Behaviour Order (CRASBO) against a tenant or a member of the tenant's household.

b) Granting a SSST for a new tenant where that person, a visitor to their current accommodation or a person that is likely to live with that person has, in the last three years, behaved anti-socially towards another person living in, visiting or carrying out lawful activity in the locality of the house occupied by the new tenant or by a person who is proposed to reside with the new tenant.

c) Converting a Scottish Secure Tenancy (SST) to a SSST where a tenant, person living with or lodging with the tenant or any sub-tenant has within the last three years behaved anti-socially towards another person living in, visiting or carrying out lawful activity in the locality of the house.

d) Where a new tenant is to be issued with a SSST based on previous anti-social behaviour a notice must be issued to the prospective tenant that sets out the grounds for a SSST and the term of the tenancy.

e) Any SSST granted on the basis of anti-social behaviour will be for twelve months from the date that the tenant is granted the SSST or the date the tenant is served with a notice converting the SST to a SSST.

f) At the end of the twelve months the tenancy will automatically convert to a SST unless Waverley Housing extends the term of the SSST for a further six months or takes steps to recover the property.

g) Tenants issued with a SSST need to be assessed for an appropriate provision of housing support services. These services are designed to encourage and support the tenant to change their behaviour and to sustain their tenancy.

2.7. In some circumstances the option of seeking an Anti-Social Behaviour Order (ASBO) will be considered; this can be carried out by our own Solicitors or in conjunction Scottish Borders Council Anti-Social Behaviour Unit (ASBU.

2.8. Where all possible options have been explored to deal with a case of anti-social behaviour without success then the Company may seek to obtain recovery of the property on Ground 7 or 8 of the Housing (Scotland) Act 2001 which covers cases where tenants or members of their household have been acting in an anti-social manner.

3. Anti-Social Behaviour Definition

3.1. Section 143 of The Anti-Social Behaviour etc (Scotland) Act 2004 defines anti-social behaviour as:

> *"…any conduct (including speech) that causes, or is likely to cause, alarm or distress to one or more persons of the same household"*

A course of conduct must involve conduct on at least 2 occasions.

However, Waverley Housing reserves the right to investigate allegations of anti-social behaviour which have only occurred on one occasion.

4. Anti-Social Behaviour Categories

4.1. Anti-Social behaviour can be categorised into workable groups i.e. the various types of complaints of tenant/resident anti-social behaviour that have been, or could be, reported to the Police or Registered Social Landlord: Details of these groups and timescales for intervention are provided at Appendix 1.

5. Reporting Anti-Social Behaviour

5.1. In line with the Scottish Borders ASB Procedures, tenants and owner-occupiers are required to report any anti-social behaviour complaints to the landlords of the alleged perpetrators. If this is not known they should contact their own landlord or police.

6. Confidentiality

6.1. The principle of confidentiality is important throughout the reporting process. It is a means of providing a client with safety and privacy. Waverley Housing, the Police and other participating partners in the Scottish Borders Anti-Social Behaviour Strategy Group will treat with confidence, personal information about residents, whether obtained directly or indirectly, by observation or inference.

6.2. The only exceptions to this will be where staff consider that a person's safety or well-being is at risk or where we are obliged to give information by law or as part of a legal process. The decision to break confidentiality and share information without consent will be taken by the Head of Housing and only after careful consideration. Examples of this may be Child Protection or Protection of Vulnerable Adults issues or Allegations of Serious Criminal Acts.

6.3. Waverley Housing will operate within the terms of any Information Sharing Protocols agreed between organisations involved in the Scottish Borders Anti- Social Behaviour Working Group.

7. Information Exchange

7.1. Where appropriate Waverley Housing will seek and exchange information with the Police and other relevant agencies in accordance with the information exchange protocols set out in the Scottish Borders Anti-Social Behaviour Policy & Procedure Manual.

8. Procedure

8.1. All complaints of Anti-Social Behaviour will be processed in accordance with our Anti-Social Behaviour Procedure and Scottish Borders Anti-Social Behaviour Policy
& Procedure Manual. See Appendix 1 for categories of behaviour and response times.

9. Monitoring of ASB complaints

9.1. A report detailing the number of antisocial behaviour complaints made by category will be produced quarterly for the Board. The report will detail actions taken and will include cases closed during the period as a result of effective intervention work.

Annual statistics on anti-social behaviour cases are also produced for the Annual Return on the Charter purposes.

All four local Registered Social Landlord's send monthly reports to the Anti-Social Behaviour Unit at Scottish Borders Council detailing new and closed cases for that month and what actions were/have been taken to resolve them; this information is collated for Scottish Borders Council's area statistics.

10. Training

10.1 Waverley Housing will ensure that the relevant employees dealing with antisocial behaviour complaints have the appropriate level of skills and knowledge to deliver the requirements of this policy.

11. Complaints

11.1. Tenants and Owners who feel that Waverley Housing has not delivered the service outlined in this policy have the right to complain. Complaints will be dealt with in accordance with Waverley Housing's Complaints Policy, a copy of which can be obtained on request. Tenants and Owners also have the right to refer the matter to the Scottish Public Services Ombudsman (SPSO) if not satisfied with the complaint response. The SPSO will not however deal with any complaint to them, if the complaint has not firstly gone through our Complaints Procedure.

12. Equal Opportunities

12.1. Waverley Housing shall apply this policy in accordance with its Equality & Diversity Policy. This means that in the application of this policy, we will not discriminate on the grounds of a person's race, religion or belief, gender re-assignment, marriage or civil partnership, pregnancy and maternity, sex, sexual orientation, age or disability.

12.2. Copies of this policy are available on request free of charge from Waverley Housing's office at 51 North Bridge Street, Hawick, TD9 9PX. Copies of this policy will also be made available within a reasonable time, upon request, in a language other than English, or in a format to suit visually impaired persons. The policy is also available on our website www.waverley-housing.co.uk.

APPENDIX 1

Categories of Behaviour and Response Times (this list is by no means exhaustive)

Categories of Complaints	**Definitions (examples only, please judge each case on its own merit)**	**Target Time for Completion**	**Target Time - Interventions Acceptable Behaviour Contract (ABC) or Face to Face (F2F) or for more complicated cases**	**Target Time - Enforcement i.e. ASBO, Eviction**
CAT A Neighbour Nuisance	A1 - Noisy neighbours, noisy cars/bikes, loud music, persistent alarms A2 - Malicious or spiteful behaviour (low level) A3 - Animal Related Problems - Dog barking, dog fouling in garden, nuisance pets, etc. A4 - Playing games in restricted or inappropriate areas.	84 days (12 weeks)		
CAT B ASB requiring Intervention	**Noise** B1 - Continuing or excessive noise from neighbours, cars/motor bikes, loud music B2 - Continuing rowdy behaviour - Shouting & swearing, fighting, drunken behaviour B3 - Hooliganism or loutish behaviour (vandalism) **Intimidation and Harassment** B4 - Groups or Individuals making threats, verbal abuse, nasty or offensive letters B5 - Obscene or nuisance 'phone calls or text messages B6 - Menacing gestures **This type of behaviour may be motivated by race, age, culture, sex, sexual orientation, disability or religion.**		168 days (6 months)	
CAT C ASB requiring Enforcement	C1 - Continuing/excessive noisy neighbours, noisy cars/bikes, loud music C2 - Continuing/excessive rowdy behaviour - Shouting & swearing, fighting, drunken behaviour, hooliganism or loutish behaviour, violence C3 - Drugs and substance Misuse/Dealing - taking Drugs, solvent abuse, discarding needles and drug paraphernalia, presence of dealers or users.			12 months
CAT D Estate Management	D1 - Dog fouling in communal places D2 - Graffiti, damage to street furniture D3 - Damage to trees/plants/hedges/litter/fly-tipping D4 - Vehicle related nuisance	84 days (12 weeks)	168 days (6 months)	12 months