

Anti-Social Behaviour Policy

Approved on: 4 September 2014

Board of Management



BIELD HOUSING & CARE

Registered Office: 79 Hopetoun Street, Edinburgh, EH7 4QF
Scottish Charity No. SC006878

CONTENTS

1. Introduction	3
2. Related Policies and Procedures	3
3. Legislative Framework and Definitions	3
4. Aims & Objectives	4
5. Tenants Responsibilities	4
6. Partnership Working & Powers of Other Agencies	5
7. Categories of ASB	5
8. Resolution, Enforcement & Prevention	6
9. Communication	7
10. Procedures	7
11. Performance Monitoring & Reporting	7
12. Staff Health & Safety	8
13. Learning & Development	8
14. Confidentiality, Data Protection & Freedom of Information	8
15. Equality & Diversity	8
16. Review of Policy	9

1. Introduction

This policy will define how Bield will manage reports of Anti-Social Behaviour (ASB) and links to other Housing Management and Health & Safety Policies. The Policy will apply to all tenants of Bield who have signed a Scottish Secure Tenancy Agreement (SSTA) or short Scottish Secure Tenancy Agreement. There are separate procedures for shared owners, owners and service users in care housing due to the different tenure types and legal contract arrangements. The policy will be applied by all staff providing a housing management service to tenants.

Bield is committed to the safety & wellbeing of all tenants and others that may use our services and believe that they have the right to peaceful enjoyment and feel safe in their homes and the community in which they live. Tenants or visitors to the developments should not cause any disturbance which would prevent other tenants from peacefully enjoying their homes or cause or subject staff and/or tenants to threatening behaviour which would cause staff to feel unsafe in their workplace.

Bield will not assume that all tenants are vulnerable to anti-social behaviour or that they are unable to resolve issues on their own by virtue of age or disability.

Detailed operational procedures will be developed to accompany this policy which will set out staff responsibilities and timescales.

In developing this policy and subsequent procedures, tenants will be consulted via established consultation groups such as the Partnership Forum, Interested Parties List and via local tenant surgeries and any other method deemed appropriate.

2. Related Policies

- Estate Management
- Adult Support & Protection
- Dignity at Work
- Violence At Work
- Managing Challenging Behaviour
- Lone Working
- Accident & Incident Reporting & Investigation
- Equality & Diversity

3. Definitions & Legislative Framework

Definitions

Anti-Social Behaviour (*Anti-Social Behaviour (Scotland) Act 2004*):

“a person (“A”) engages in antisocial behaviour if A—

- (a) acts in a manner that causes or is likely to cause alarm or distress; or
- (b) pursues a course of conduct that causes or is likely to cause alarm or distress, to at least one person who is not of the same household as A”

Harassment: Although harassment is not specifically defined it can include repeated attempts to impose unwanted communications and contacts upon a victim in a manner that could be expected to cause distress or fear in any reasonable person.

Resolved:

- Where the landlord has taken appropriate measures, as set out in its policies and procedures, to address the cause of the anti-social behaviour complaint; or
- Where the landlord does not have the authority or powers to resolve it has provided a full explanation of the landlords position (Scottish Social Housing Charter)

Legislative framework

This policy has been implemented on the basis of legislation including:

- Anti-Social Behaviour etc. (Scotland) Act 2004
- Housing (Scotland) Acts 2001 -2014
- Scottish Social Housing Charter
- Data Protection Act 1998
- Environmental Protection Act 1990
- Equality Act 2010
- Dangerous Dogs Act 1991
- Civic Government (Scotland) Act 1982

4. Aims & Objectives

The principle objective of this policy will be to ensure that anti-social behaviour is managed effectively, taking appropriate and proportionate action to create a safe and peaceful environment for all tenants, staff, others using Bield services and visitors to our developments. To achieve this Bield will take a pro-active approach to preventative action by ensuring that all staff are aware of our policy and are able to support the needs of tenants by following agreed procedures.

The specific aims of the policy are to:

- Ensure that Bield adheres to current legislation and good practice to ensure we adopt a firm but fair approach to resolving ASB Issues

- Have early intervention mechanisms in place which help to highlight potential ASB situations
- To respond promptly to reports of ASB and offer early support and advice to tenants affected by ASB
- Take appropriate and proportionate action to resolve ASB reports including mediation services
- Offer tenancy sustainment services to those requiring more support or assistance including working with other agencies who may offer specialist support and/or advice
- Ensure all staff are appropriately trained to enable them to carry out their role effectively

5. Tenants Responsibilities

- 5.1 In addition to duties imposed by legislation tenants have a contractual agreement with Bield through their Scottish Secure Tenancy Agreement (SSTA)
- 5.2 Section 3 of Bield's Scottish Secure Tenancy Agreement (SSTA) refers to "Respect for others" and includes the statement:

You, those living with you, and your visitors, must not harass or act in an anti-social manner to, or pursue a course of anti-social conduct against, any person in the neighbourhood. Such people include Tenants, visitors, our employees, agents and contractors and those in your house.

There are 7 additional clauses within the section which clearly indicate the responsibility of tenants and visitors to their homes.

6. Partnership Working

Some tenants will reside in Bield "Housing with Care" developments or may live within or in close proximity to communities managed by different landlords. In these circumstances Bield will liaise both internally and externally with appropriate service managers or landlords to achieve satisfactory resolution.

Partnership and multi- agency working is essential in tackling anti-social behaviour and Bield will engage with any relevant agency as detailed below when implementing its ASB policy.

Some of the public bodies have relevant legislative powers and responsibilities relating to a number of common nuisances.

- Local Authorities including
 - o Social Work Department Adult & Child Protection teams
 - o Environmental Health Agency
 - o Housing Management Teams
 - o Anti-Social Behaviour Teams

- o Mediation Teams
- o Community Wardens
- Police Scotland
- SACRO
- Procurator Fiscal
- Scottish Children’s Reporter Administration/Children’s Hearing System
- Victim Support
- Registered Tenants Organisations
- Community Groups / Associations

7. Categories of Anti-Social Behaviour & Initial Response Times

7.1 ASB will be categorised and given the appropriate priority and action in accordance to the seriousness and frequency of the behaviour and also the effect the behaviour is having on the individuals and / or the local community. The Categories are:

❖ **Category 1 – Nuisance & Other breaches of tenancy**

Covers less serious nuisance, including cases of excessive noise, family disputes affecting neighbours, infrequent disturbances, reports about visitors, children and pets. Cases will require an initial response and investigations to commence within 5 working days

❖ **Category 2 – Serious**

Involves serious anti-social behaviour and harassment, including cases of threatening or abusive behaviour, verbal abuse, frequent serious disturbance or vandalism and damage to property. Usually there will be police involvement and such cases will require a prompt response and investigations to commence within 3 working days

❖ **Category 3 – Very Serious**

Relates to extreme behaviour such as serious assault, extreme verbal abuse, violence and harassment. It is expected that there will be police involvement. Such cases require an immediate response with investigation commencing within 1 working day.

8. Resolution, Enforcement & Prevention

8.1 Definition of Resolution

As resolution of cases will be very varied and dependent on the complexities of individual situations and / or legislative constraints it is essential to define “Resolution”. For the purpose of providing appropriate reporting systems “resolution” will be defined as providing complainants with an initial response as per above timescales, commencing an investigation into the reports and where required creating an action plan detailing any

proposed action, involvement of other agencies, etc. and where appropriate an expected outcome and review requirements.

8.2 Resolution Timescales

- **Category 1** – Resolution as described above should be reached within 10 working days of receipt of report
- **Category 2** – Resolution as described above should be reached within 8 working days of receipt of report
- **Category 3** – Resolution as described above should be reached within 5 working days of receipt of report

Resolution will be sought using a range of measures which may include providing the individual concerned with appropriate support to overcome any issue causing the ASB. This may involve partnership or multi agency working with aforementioned agencies.

There are several non-legal remedies which Bield can follow to resolve cases of ASB which include the introduction of Mediation & Support services, Anti-Social Behaviour Contracts and/or transfer to alternative accommodation.

Where resolution of very serious/serious cases has not been obtained, Bield may as a last resort pursue court action. To commence court action it will be vital for Bield to be able to provide evidence indicating repeated and significant fear, alarm and distress is being caused to tenants.

Legal Remedies available to Bield include:

- Eviction
- Anti-Social Behaviour Orders
- Interdicts
- Demotion of Tenancy
- Working with statutory agencies with legislative powers

9. Communications

Bield will respond to and investigate all reports of anti-social behaviour or harassment as per the above categories. All persons reporting an incident will receive:

- An initial verbal or written response advising which member of staff will be the lead officer in dealing with the concerns raised e.g. Housing Officer or Tenancy Sustainment Officer
- a proposed action plan or in less serious cases the outcome of the investigation and action taken to resolve the issue

- Regular updates on how the investigation is progressing. *(The frequency and method of providing updates will be agreed during initial discussions)*

Where a report of anti-social behaviour is also affecting tenants other than the person reporting within the development or tenants in the surrounding area, Bield where appropriate, may arrange to hold locally based meetings to provide a platform to voice concerns and for Bield to advise on proposed action/investigation or if more appropriate, provide this information in writing.

Where Bield do not have the authority or powers to resolve the matter a full explanation of the reasons why resolution cannot be reached by Bield will be provided to the person who made the initial report and any others affected. This response will include advice and signposting to other agencies which may have powers to assist.

Effective communication is crucial in maintaining confidence amongst tenants and staff.

Information leaflets will also be available for all tenants, which will include information on how to make a report of ASB, who they can contact and what support they can expect from Bield.

10. Procedures

Detailed procedures and guidance for staff on how to manage reports of ASB will be developed to accompany this policy. The procedures will also include reference to early intervention and preventative measures available and also provide details of staff responsibilities, performance monitoring & reporting, timescales and templates.

11. Performance Monitoring & Reporting

11.1 Bield will monitor performance on resolution of anti-social behaviour cases and report to the Board and the Performance & Audit Committee on performance through a range of internal key performance indicators (KPI's) in line with the requirement for the Annual Return of the Charter (ARC).

11.2 Internal controls include officers providing monthly reports and information on types of cases and required action to the Housing Performance team.

11.3 Internal KPI's on ASB will include information on *"the percentage of anti-social behaviour cases reported in the last year which were resolved within local agreed targets"* including:

- *Number of cases reported in the last year*
- *Number of cases resolved in the last year*
- *Number of cases resolved within locally agreed target in the last year*

12. Health & Safety

Tenant & Staff Safety

The safety of our tenants, staff and others using our services is paramount and where there are situations that put tenant and/or staff safety at risk a risk assessment will be carried out and the appropriate action identified. This action may include reviewing access & security within the development and seeking support from the various public bodies mentioned above. More detailed information and guidance will be included within the accompanying ASB procedures.

In addition to the policies previously mentioned Bield has several policies and procedures linked to staff safety that should be adhered to whilst dealing with such cases.

These include: Violence at Work, Dignity at work, Lone working, Managing Challenging Behaviour & Risk Assessment

13. Learning & Development

Training on the Policy and procedures will be delivered to all front line development managers and deputies, Housing, Allocations & Tenancy Sustainment Officers and Housing Operational Managers. This training will be incorporated within the staff induction schedules and where appropriate refresher training will be arranged.

14. Confidentiality, Data Protection & Rights of Access

All information provided by complainants, witnesses or alleged perpetrators during the course of an investigation will be treated in strictest confidence. If however there are reports involving allegations of criminality, the individual will be advised that the matter and information received will be forward to Police Scotland.

Bield will comply with Data Protection Act 1998.

15. Equality & Diversity

Bield is committed to advancing equality of opportunity, eliminating unlawful discrimination and fostering good relations between people who share a protected characteristic and those who do not. Our goal is to ensure that these commitments, reinforced by our values are embedded in our day to day working practices with all our customers, colleagues and partners.

Acting on these principles we aim to promote an environment that is free from all forms of unlawful or unfair discrimination and one that values diversity.

At the heart of our policy we seek to treat people fairly, with dignity and respect, and to uphold human rights for all.

Bield considers any form of unlawful discrimination to be unacceptable in terms of good practice, social justice and legal duty.

16. Review of Policy

The response timescales and outcome of resolution of anti-social cases will be subject to monitoring and review in consultation with tenants' representatives and taking account of guidance from the Scottish Housing Regulator. Otherwise the Anti- Social Behaviour Policy will be reviewed every 5 years.