



ANTI SOCIAL BEHAVIOUR POLICY

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Introduction

The objective of the Association's Antisocial Behaviour Policy is to ensure that neighbour disputes and antisocial behaviour is tackled quickly, effectively and fairly in line with current legislation, good practice and tenancy conditions. We will seek to implement preventative measures where possible and we will consider and use a range of options, including legal measures, to resolve issues. It is fully compatible with the requirements of the Scottish Housing Charter and ensures ng homes zero tolerance approach to antisocial behaviour is fully embraced across the whole organisation.

Policy Summary

This policy establishes ng homes' commitment to assisting tenants and applicants who are victims of antisocial behaviour.

Definition of Antisocial Behaviour

There is no commonly agreed definition of antisocial behaviour; therefore, this section draws on the definition from the Antisocial Behaviour etc. (Scotland) Act 2004 which defines antisocial behaviour as:

"A person engages in antisocial behaviour if they act in a manner that causes or is likely to cause alarm and distress or pursues a course of conduct which causes or is likely to cause alarm and distress to at least one person who is not of the same household. (Course of conduct must involve conduct on at least two occasions)"

Antisocial behaviour may include, but is not limited to the following:

- Noise disturbances
- Harassment
- Hate crime
- Violence or threats of violence
- Verbal abuse
- Vandalism and graffiti
- Drug dealing

Policy Aims

Feeling safe and secure increases the sustainability of communities and promotes community cohesion, health and wellbeing. Within our Antisocial Behaviour Policy we highlight how we will strive to ensure that everyone within our neighbourhoods feels safe and secure.

To help people achieve this goal we are committed to minimising incidences and perceptions of antisocial behaviour. To do this successfully, we must strike a balance between prevention, early intervention, support and enforcement.

Past experience has shown us that partnership working is paramount in reducing antisocial behaviour and increasing feelings of safety and security. We work closely with Police Scotland, Scottish Fire & Rescue, Glasgow City Council and other existing partnerships whilst looking to develop authentic relationships with other organisations where it will add value.

In order to achieve our aspirations, we attempt to empower our communities to feel safe and secure. This will involve, amongst other measures, listening to our clients and engaging them in a meaningful way to reduce incidences and perceptions of antisocial behaviour, and inspiring confidence by communicating our actions to them and delivering a service of which we can be proud. Our success will be measured not only in terms of the action we take but also the action we are seen to be taking.

- Ensure that our services are relevant, responsive and sensitive to the needs of our existing and future clients.
- Be proactive and take measures to prevent antisocial behaviour in our community. This will include publicising successful actions if it is in the interest of the wider community, our aim being to deter further instances of antisocial behaviour.
- Ensure that all sections of the community in which we work have equal access to our services.

Communications, Support and Advice

Managing reports of antisocial behaviour requires a multi-agency approach. ng homes will ensure that victims are placed in contact with appropriate agencies for specialist advice and support with their consent. ng homes do not provide legal advice or counselling services but refers to other specific agencies when required.

Non-legal remedies to address antisocial behaviour

There are a range of measures to address ASB which range from the non-legal to the formal. Non-legal measures should always be pursued first with formal legal action a last resort. Non-legal measures include (but are not limited to) the following

- Mediation - Mediation is a voluntary process where an independent third party helps conflicting parties to work through their differences and disagreements. The aim is for agreement to take place between the two parties on their future behaviour. Employees should use a specialist mediation service, unless in house employees or residents have been trained in mediation. Mediation must be attempted to resolve an ASB case before any legal action is taken if it is appropriate to the circumstances of the case. By getting all interested parties together a solution may be found.
- Housing Officers can refer tenants to support services, which may offer assistance in dealing with possible breaches of tenancy.
- Verbal/written warnings - Prior to legal action these can be simply and effectively undertaken, and copies retained on the tenant's housing file.

Acceptable Behaviour Contracts (ABCs) - An ABC is a voluntary contract offered to perpetrators of ASB, widely used with young people. ABCs are offered as a final opportunity to the perpetrator to amend their behaviour prior to commencing legal action if no improvement is made. The contract usually stipulates that the tenant or an occupant of the tenant's home does not carry out certain acts. ABCs must be monitored, and support provided where necessary to ensure the perpetrator avoids 're-offending' and thus complies with the terms of the ABC. If possible, liaise with social work services to hold a 'case conference' to compliment the implementation of the contracts. This involves speaking to schools, police and any other involved agencies to draw awareness to the situation and giving them an opportunity to increase their involvement in the case to deter it from reaching more serious consequences.

ABCs may be appropriate under the following circumstances:

- The behaviour is not serious enough to warrant an ASBO or possession proceedings.
- There is not enough evidence to pursue a legal remedy.
- The behaviour is caused by a minor.
- There is a need to remedy the behaviour quickly.
- There is a need for early warning of consequences, should behaviour continue.
- There is an opportunity for parents or families or support services to intervene.

Local authority action against noise nuisance - Local authorities have powers to investigate complaints about noise. They can serve warning notices, serve a Fixed Penalty Notice or obtain a warrant to seize and remove any equipment used in the emission of noise. The evidence a local authority may use to take action includes diary sheets and evidence from recording equipment. Where ASB is noise-related and where perpetrators have hearing impairments, encourage low-cost solutions like purchasing long-cable earphones.

Legal remedies to address antisocial behaviour

Legal remedies can be used alongside other strategies. Only when preventative and management approaches have failed to resolve the problem will the use of legal remedies be considered. This is not only because of the seriousness of taking away someone's home but also because eviction may not in itself resolve the problem; it may simply move it elsewhere. The following legal remedies will be considered

- Interdicts/Specific Implement
- ASBOs
- Conversion from SST to SSST
- Interim ASB orders
- Use of SSST
- Possession proceedings.

The Housing Officer should refer to the Housing Manager to decide whether to pursue legal action.

If a tenant, household member or visitor of the property, is convicted of using the house or allowing it to be used for immoral or illegal purposes, or of an offence punishable by

imprisonment committed in or in the locality of the property, ng homes are entitled to seek a court order for eviction. If ng homes decide to seek an eviction, a Notice of Proceedings must be served first. This notice must be served within twelve months of the date of the conviction (or within twelve months of the conclusion of an unsuccessful appeal against the conviction). Tenants will have a right to challenge the decision.

Action will be taken for the supply of drugs within an ng homes property. If the case is referred to court, the tenant will be advised by letter and informed that they may be liable for any legal fees incurred. The letter will also signpost the tenants to appropriate advice and support. If proceedings for possession are raised, in order to comply with Section 11 of the Homelessness etc. (Scotland) Act 2003, ng homes must ensure that the local authority have been sent a Section 11 notice, no later than four weeks before the eviction date is set. Where Decree for Eviction is granted, an Eviction Report must be presented to Housing Services Committee for approval before the Decree can be implemented.

If racial harassment or hate based harassment is proved, ng homes must take robust legal action against the perpetrator where the consent of the victim is given. Legal advice should be obtained, and a record kept on database of the advice received, decisions on further action with reasons.

Conversions to Short Scottish Secure Tenancies - A notice can be served on an existing tenant to end an SST and demote it to a SSST if they have been subject to an ASBO in their existing tenancy or where a tenant or someone living with the tenant has acted in an antisocial manner, or pursued a course of conduct amounting to harassment of another person. This conduct must have been in or around the house occupied by the tenant and it must also have happened in the 3 years before the notice is served. The notice must specify the tenant and/or member of the tenant's household who is subject to the ASBO or, where no ASBO has been granted by the court, the notice must include the actions of the person who has behaved in an antisocial manner, our reasons for converting the tenancy and details of the tenant's right of appeal to the court. The association can also convert a SST to a short SST where the ASBO was given at a previous address by a different landlord, provided the tenancy at the previous address had been a SST.

Confidentiality

ng homes staff will ensure that they only involve other agencies and share information with the consent of the tenant concerned, unless:

- The information is necessary for the protection of children
- ng homes are required by law, for example ng homes staff cannot withhold information if being questioned by Police during a criminal investigation

Key Policy Objectives

The key objectives of ng homes are to:

- Ensure that our approach to Case Management is customised to suit the needs of the victim and the severity of risk posed by the perpetrators
- Prevention and Early Intervention will start from the moment we are made aware of an incident occurring or have concerns about the welfare and safety of individuals
- Support will be provided to both the victim and the perpetrator where required
- Enforcement will mainly occur in the most serious of cases, but will be considered and utilised whenever appropriate
- All information/ intelligence will be treated with the strictest confidentiality and Data Protection legislation will be adhered to
- Development of our robust Procedures Manual, "Getting it RIGHT first time" will ensure a comprehensive, methodical, systematic and universal approach to dealing with antisocial behaviour issues
- Comprehensive use of our bespoke antisocial behaviour I.T. module, "Streetwise", will support and enable our staff to deal with antisocial behaviour most effectively

Policy Links

This Antisocial Behaviour policy is linked to our Domestic Abuse Policy, our Hate Crime Policy, our Customer Care Policy, our Complaints Policy, our Allocation Policy and our Dealing with Antisocial Behaviour Procedure Manual "Getting it RIGHT first time".

Policy Review

Our Antisocial Behaviour Policy will be fully reviewed in March 2024.

Data Protection

ng homes recognise the importance of data protection legislation in protecting the rights of individuals in relation to personal information that we may handle and use about them, whether on computer or in paper format. ng homes will ensure that our practices in the handling and use of personal information during the processes and procedures outlined in this policy comply fully with data protection legislation. More information is available from our Data Protection Officer.