



<b>Title</b>	Anti-Social Behaviour (ASB) Policy
<b>Purpose</b>	<p>Maryhill Housing Association (MHA) is committed to ensuring that everyone has the right live peacefully in their home without suffering undue disturbance or nuisance from others.</p> <p>The purpose of this policy is to set out the principles and standards that we aim to follow in our management of ASB.</p> <p>The Association will comply with relevant legislation and adopt the principles and practices detailed in the Scottish Social Housing Charter.</p>
<b>Scope</b>	<p>The Policy and Performance Committee has delegated responsibility for monitoring the management of ASB.</p> <p>The Policy and Performance Committee also has responsibility for approving the ASB Policy.</p> <p>The Director of Operations holds the lead responsibility for this policy with responsibility for implementation delegated to the Head of Housing.</p> <p>This policy applies to all Board and Committee members, members of staff whether employees of MHA, freelance, casual, or temporary agency staff, irrespective of grade, position or length of service. All are responsible for the management and or monitoring of ASB.</p>
<b>Definitions</b>	<p>For the purposes of this Policy, unless otherwise stated, the following definitions shall apply:</p> <p>The Policy applies to the management of property owned by the Association and subject to a Scottish Secure Tenancy, a Short Scottish Secure Tenancy, a Shared Ownership Occupancy Agreement, Lock up Agreement or Lease.</p> <p><b>Anti-Social Behaviour (ASB)</b></p> <p>ASB covers a wide range of actions and behaviours and is defined in the Anti-social Behaviour etc. (Scotland) Act 2004 as follows:</p> <p>A person engages in ASB if he/she:</p> <ul style="list-style-type: none"> <li>• Acts in a manner that causes or is likely to cause alarm distress, nuisance or annoyance; or</li> </ul>

	<ul style="list-style-type: none"> <li>• Pursues a course of conduct that causes or is likely to cause alarm, distress, nuisance or annoyance to at least one person residing in or visiting/engaging in lawful activity at or in the locality of a relevant house. ‘Conduct’ includes speech and a ‘course of conduct’ must involve conduct on at least two occasions.</li> </ul> <p>There are different types of ABS and neighbour nuisance. The Association distinguishes between the severity and impact of different kinds of behaviour.</p> <p><b>Categories of unsatisfactory behaviour</b></p> <p>We will adopt three categories to reflect this, each with a timescale in which the Association will respond.</p> <p><b>Resolution times</b></p> <p>In line with the Scottish Social Housing Charter the Association will also agree targets with residents for resolving ASB complaints. A matter will be considered “resolved”:</p> <ul style="list-style-type: none"> <li>• where the Association has taken the appropriate measures as set out in its ASB policies and procedures, e.g. issuing a warning or commencing legal action, to address the cause of the ASB complaint; or</li> <li>• where the complaint cannot be corroborated and the Association is unable to pursue any further action; or</li> <li>• where the Association does not have the authority or powers to resolve the ASB it has provided a full explanation of the landlords’ position and, where possible, offered potential solutions to resolve the matter.</li> </ul> <p>The categories of unsatisfactory behavior and resolution times are listed at Appendix A.</p>
<p><b>Policy Statement</b></p>	<p>We recognize the detrimental impact ASB can have on both individuals and the community and fully support the view that tenants and customers have the right to live free from harassment.</p> <p>Tenants also have a responsibility for making sure they keep to the terms of their tenancy agreements, to treat others with respect and to be good neighbours. They have a right to complain about neighbour nuisance and ASB and to expect that their complaint/s will receive attention.</p> <p>We will deal with any form of harassment motivated by prejudice or discrimination under our ASB Policy.</p> <p>We will take robust and early action to tackle ASB and harassment caused by the behaviour of tenants and other household members or their visitors.</p>

	<p>We recognise that the Association will rarely work alone in dealing with ASB and will not usually be solely responsible for resolving it. We aim to work in partnership with different agencies which also have responsibility including support agencies, Community Safety Glasgow, Police Scotland and Glasgow City Council.</p> <p>We will engage in collaborative working with other agencies in order to deter or prevent ASB and to work with perpetrators where possible to support them in addressing their behaviour.</p> <p>We recognise that early intervention and prevention is a key tool in challenging ASB and will develop processes that support this view in our allocation, estate management and ASB policies and procedures.</p> <p>We will place victims and witnesses at the heart of our procedures and will use the powers, orders and mechanisms available to us to deal with ASB.</p> <p>We will engage with our customers and use best practice from inside and outside of the sector to ensure we continually improve our approach to the management of ASB.</p> <p>It is acknowledged that the Association has limited powers to intervene or take action against anti-social owner occupiers and will therefore work with other agencies, e.g. Community Safety Glasgow, Police Scotland and Glasgow City Council to manage and resolve issues of ASB and neighbour nuisance.</p> <p>Appendix B sets out how these principles will be applied in practice to ensure effective management of ASB.</p> <p><b>Legal and Good Practice Requirements:</b></p> <p>This policy is compliant with the following legislation and good practice guidance:</p> <ul style="list-style-type: none"> <li>• Housing (Scotland) Act 2001, 2010 &amp; 2014</li> <li>• Housing (Scotland) Act 1988 (shared ownership)</li> <li>• Human Rights Act 1998</li> <li>• Equality Act 2010</li> <li>• Scottish Social Housing Charter</li> <li>• Antisocial Behaviour etc. (Scotland) Act 2004</li> <li>• Children (Scotland) Act 1995</li> </ul>
<b>Approval</b>	Policy and Performance Committee – August 2018
<b>Policy Owner</b>	Robert Reid - Head of Housing Responsible Director: Director of Operations
<b>Review</b>	<p>August 2021</p> <p>This Policy may also be reviewed in light of legislation, good practice, or internal structural and process change.</p>

## **Appendix A: Categories of Anti-Social Behaviour (ASB) and Response Times**

### ***Category A - Antisocial Behaviour (ASB)***

***Response – 1 working day***

***Resolution – 5 working days***

Complaints classed as Category A must be treated as priority and investigations started as soon as the complaint is received at the office. Initial enquiries to establish the facts of the case should be completed as far as possible within 1 working day and any external bodies that are required to be involved, e.g. Police Scotland, Community Safety Glasgow, Glasgow City Council, should be contacted within 2 working days of the complaint being reported.

Category A complaints will usually require some police involvement and are of a very serious nature, such as:

- Violence or aggression
- Drug dealing including cultivation of drugs in the home
- Threatening behaviour
- Harassment of any kind
- Racism
- Sectarianism
- Illegal or immoral use of property
- Category B behavior which is persistent but has not improved despite warnings from the Association or Police
- Threats to, or attacks on, Association staff or representatives

Although not necessarily included in the legal definition of ASB, we will also respond within 1 working day to reports involving child protection or issues such as domestic abuse. This will generally mean the Association involving another service such as Social Work.

### ***Category B - Antisocial Behaviour (ASB)***

***Response – 3 working days***

***Resolution – 10 working days***

Category B complaints should be acknowledged with the complainant and initial investigations and interviews carried out within 3 working days of the complaint being received at the office.

Category B ASB complaints are those which are less serious but persistent in nature such as:

- Persistent noise nuisance
- Persistently failing to control pets
- Frequent disturbances
- Vandalism and damage to the Associations' property/common areas
- Verbal abuse
- Persistently failing to control children within the household
- Persistently failing to control visitors to the property

***Category C – Neighbour nuisance***

***Response – 5 working days***

***Resolution – 15 working days***

Category C complaints should be acknowledged and relevant parties interviewed to establish the facts of the case within 5 working days of the complaint being made.

Category C complaints cover less serious types of behaviour that is clearly a breach of the tenancy agreement but is of a relatively minor nature and is a cause of 'neighbour nuisance'. Examples include:

- When neighbours cannot agree on tenancy issues such as bin collection, car parking or stair cleaning
- The behavior of visitors or children in or around the property
- Where the condition of someone's home is causing concern
- Untidy gardens
- Parking in unauthorised areas
- Occasional noise nuisance
- Rubbish dumping
- Pet fouling
- Any other matter which is causing concern

## **Appendix B: Practical Application of the Policy Principles**

### **Providing an appropriate, caring response**

Processes and procedures will be developed to support a positive response to the report of ASB. Our approach is set out below:

- Anonymous complaints may be considered if these can be easily corroborated. Otherwise anonymous complaints will be recorded but not acted on.
- We will respond to complaints of ABS or neighbour nuisance within the agreed timescales. If appropriate, the person who made the complaint (“the complainant”) will also be advised to contact the Police. The complainant will be provided with an ‘Incident Diary Booklet’ to gather evidence. If unable to gather evidence in this way, alternative suitable methods will be provided.
- Where there is a clear case of harassment, we will advise tenants to contact the Police and we will investigate and act on findings in a way that is sympathetic to the needs of the tenant.
- If mediation is appropriate and if both parties agree this will be provided by the Association at no cost to the perpetrator or victim.
- We will keep the complainant supported if necessary through regular contact and referral to appropriate support agencies. We will also keep people informed about what we are doing, although we will respect the confidentiality of information made available to us. Where possible, and depending on the nature of the offence, we will seek the complainant’s agreement before taking action against the perpetrators of ASB.
- We will only give information to a third party if the person concerned has agreed or subject to information sharing agreements and the provisions of the Data Protection Act 2018 which implements the General Data Protection Regulation (GDPR).

## **Tools to support effective management of ASB**

These tools include:

### **Prevention:**

- Ensuring that clauses relating to ASB are highlighted and reinforced to all new tenants at tenancy sign up.
- Introducing Good Neighbour Agreements as part of the sign up process to further reinforce the standards of behaviour that is expected from all tenants.
- Carrying out 'settling in' visits for all new tenants within the first 4 weeks of the start date of the tenancy to reiterate and re-emphasise the importance of adhering to the terms and conditions of the tenancy agreement and to reinforce the Good Neighbour Agreement.
- Visiting our estates regularly to make sure that they are in a tidy condition and free of graffiti or other signs of neglect or damage.
- Working together with communities and Registered Tenants Organisations (RTO') to take forward wider role initiatives linked to addressing ASB problems in areas where our housing is located.

### **External partnerships:**

- When investigating a neighbour dispute or ASB, where we are able to identify a support need (e.g. related to parenting, disability, drugs or alcohol) we will refer the person to Social Work and/or the appropriate support agency.

### **Continual improvement:**

- Monitoring how well we respond to and resolve neighbour nuisance and ASB complaints through key performance indicators (KPI's) and customer satisfaction surveys.
- Involving tenants in reviewing performance and policy.

### **A proportionate and graduated response:**

- If there is evidence of serious ASB, the Association may start legal action immediately. In all other instances the Association will encourage the person behaving unsatisfactorily to put a stop to it. This will be done by using a number of measures including mediation, interviews, issuing warning letters, an Acceptable Behaviour Contract or an Unacceptable Behaviour Contract. We will seek advice on the most appropriate legal remedy. This could result in the perpetrator losing their home, remaining in their home with fewer rights through a demoted tenancy (on the condition that the offending behaviour is stopped) or being excluded from their home for a period of time (known as a Closure Order).

- The Association may suspend housing applicants if they or members of their household have been involved in ASB in or near their home. We will take into account any involvement of the Police or statutory agencies, the issuing of warnings, Notice of Proceedings and any legal proceedings. We will advise applications of their right to appeal against any suspensions applied.
- The Association may consider converting existing tenancies to Short Scottish Secure Tenancies (SSST) where an ASBO has been awarded or granting SSST's to new tenants where there is evidence that the tenant, member of their household or visitor has been involved in ASB in or near their home within the last three years. The minimum period for a SSST will be 6 months and will extend to 12 months with effect from 1 May 2019.
  - When issuing SSST's we will work with the appropriate agencies and statutory agencies to ensure that housing support is in place to work with the tenant to address their behaviour and sustain their tenancy. If there is no improvement in the tenant's behaviour and there is a lack of engagement with the nominated agencies it may be necessary to commence legal action to recover the property.
  - Where SSST's are issued we will consider extending the tenancy for a further 6 months if ASB persists and explain why we have decided to apply an extension. This will allow the tenant a further opportunity to engage with the landlord and support agencies to address their behaviour.
  - If the decision is taken to bring the tenancy to an end we will clearly set out the reasons for bringing the tenancy to an end.

### **Housing (Scotland) Act 2014**

The Association will adopt the full range of measures set out in the Housing (Scotland) Act 2014 from 1 May 2019 to manage incidents of ASB and will develop procedures and provide training to staff to ensure that all legal requirements are met.

A summary of the measures are listed below:

- The length of a Short Scottish Secure Tenancy (SSST) will be increased from 6 months to 12 months with a provision to allow the landlord to request a further extension of 6 months if the tenant has not addressed their ASB.
- The landlord must state why the tenant has been issued with a SSST and the tenant will have a right of appeal if they disagree with the decision.
- During the 12 month period of the SSST the landlord must provide or ensure that housing support services are provided to assist the tenant in sustaining their tenancy.
- The landlord will under the Act now be able to take into account the behaviour of visitors to the property when deciding whether to suspend a housing application.

- Where a tenant has been involved in serious ASB and convicted in the last 12 months the Association may decide to pursue immediate eviction, however, the tenant will have a right to challenge this.
- Under the Act where a tenant has been involved in serious ASB and convicted in the last 12 months the landlord may pursue an eviction, however, the tenant will have a right to challenge this.
- Current tenants can have their tenancy converted to a SSST without the need to initially pursue an ASBO if there is evidence that they have been involved in ASB within the last 3 years. This could also be applied to new tenants.