

ANTI SOCIAL BEHAVIOUR POLICY

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Comments	

ANTI SOCIAL BEHAVIOUR POLICY

1. POLICY STATEMENT

- 1.1 Blackwood believes that our Customers (Tenants and Residents) have the right to live peacefully in their homes, free from harassment and we are committed to providing a positive response to any complaints of Anti-Social Behaviour.
- 1.2 All customers have a responsibility for adhering to the terms of their tenancy/occupancy agreement, (Section 10) to treat others with respect and to be a good neighbour.
- 1.3 Blackwood are aware of the distress that Anti-Social Behaviour can have on individuals and communities and will take a robust approach in tackling problems caused by tenants, other household members or their visitors.
- 1.4 We want to promote positive customer and community engagement and therefore our policy is based on promoting positive outcomes for everyone. Our procedures will be based on Prevention – Intervention – Engagement with customers who live within our properties. We will use our procedures in line with this policy, which will link with our Complaints database to acknowledge and respond to cases of Anti-Social Behaviour within our neighbourhoods. We will deal with each case of Anti-Social Behaviour on an individual basis using our policy and procedures and working in partnership with external agencies, taking a multidisciplinary approach to tackle Anti-Social Behaviour. Where necessary we will use the powers available to us under the relevant Anti-Social Behaviour legislation which may include taking legal action against those responsible for Anti-Social Behaviour.

2. PRINCIPLES AND SCOPE OF THE POLICY

2.1 Aims and Objectives

- 2.1.1 To establish methods and preventative measures which will be used by Blackwood to prevent and respond effectively to Anti-Social Behaviour complaints.
- 2.1.2 To assist customers and neighbourhoods to find their own peaceful solutions to problems of nuisance neighbours where possible and provide advice and information on ways to address neighbours/neighbourhood problems.
- 2.1.3 To give clear guidelines to the Housing and Assets teams, supported by written procedures and training, on how to deal effectively with incidents of Anti-Social Behaviour.
- 2.1.4 To work proactively with Local Authority Anti-Social Behaviour teams and other external agencies to achieve positive solutions.

2.2 **Statutory Requirements**

2.2.1 Blackwood complies with and is aware of statutory requirements which are appropriate to the tenure status of tenants when dealing with Anti-Social Behaviour.

2.2.2 **Principally these include:**

- Anti-Social Behaviour Act etc. (Scotland) 2004
- Housing (Scotland) Act 1988
- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2010
- Housing (Scotland) Act 2014
- Race Relations Act 1976 (as amended)
- Disability Discrimination Act 1995 (as amended)
- Human Rights Act 1998
- Crime and Disorder Act 1998
- Blackwood's Tenancy Agreement
- Unacceptable Actions Policy

2.3 **Definition and Categories**

2.3.1 The Anti-Social Behaviour (Scotland) Act 2004 defines Anti-Social Behaviour as "conduct, including speech, which causes, or is likely to cause alarm or distress to one or more persons not of the same household". The behaviour must happen on more than one occasion.

2.3.2 There are different types of neighbour nuisance and Anti- Social Behaviour (see Appendix A). It is important to distinguish between the severities of different types of behaviour. They have been classified into categories which influence the way and time in which we will respond.

2.3.3 We will respond sensitively and objectively, and the response may be in the form of a telephone call, a letter, email, a home visit or interview. All cases will be recorded in our Complaints Database and responded to within the stated timescales. Information will also be provided to customers on other external agencies that they may contact if they feel that their complaint of Anti-Social Behaviour has not been dealt with effectively.

2.4 **Method and Preventative Approach**

2.4.1 At tenancy sign up we will explain Blackwood's policy on Anti-Social Behaviour and Unacceptable Actions Policy and that the tenancy agreement forms a legal agreement, setting out the rights and responsibilities of the organisation and the tenant. Blackwood will also ask new tenants to sign a 'Good Neighbour Pledge', which is an informal document highlighting expected behaviour. Tenants will be provided with a copy of their tenancy agreement and given access to a Tenant's Handbook The tenant will be given a summary of the policy and the standards that tenants can expect from the organisation when reporting Anti-Social Behaviour.

- 2.4.2 Blackwood employees will visit neighbourhoods regularly to make sure that they are free of graffiti or other signs of damage. We will have estates tours of our neighbourhoods at least annually with customers being invited to accompany the employees and where required, contractors and agree any actions required to address any areas affecting the properties or developments.
- 2.4.3 Blackwood recognises that prevention and early intervention is the most effective form of action and will seek to establish models of multi-agency working. As a landlord our potential actions are limited to housing related matters but we recognise the importance of working with other agencies to ensure a multi-disciplinary approach to dealing with Anti-Social Behaviour and will liaise with Police, Fire & Rescue, Social Work, Education, Health and Social Care Partnerships, as well as community and voluntary groups. We will take steps to communicate with other authorities to deal with nuisance and anti-social problems that fall into their scope of responsibility including Planning Department, Environmental Health Department, Cleansing/Waste Management Department and Community Warden Services.
- 2.4.4 We will work with partners and communities to take forward initiatives linked to addressing Anti-Social Behaviour problems in areas where our housing is located.
- 2.4.5 We will aim to make allocations in all Blackwood's properties to promote balanced and sustainable neighbourhoods and carry out pre-allocation home visits to potential tenants, and written references will be sought from previous landlords. We will carry out 'settling in' visits to new tenants within 4 weeks of moving in. This allows both the tenant and Blackwood an opportunity to discuss any aspect of the tenancy which may not have been fully appreciated at the point of allocation. The purpose of the visit will include checking how the tenant is getting on with neighbours and reemphasising the tenant's obligations and 'Good Neighbour Pledge'.
- 2.4.6 We will keep complainants informed as clearly as possible of the outcome of any investigation undertaken by staff, whilst respecting the confidentiality of information made available to us.
- 2.4.7 We will give advice to complainants on support agencies and make referrals where appropriate.
- 2.4.8 Tenants who are serious perpetrators of anti-social behaviour are at risk of court action and their tenancy being terminated.

2.5 Confidentiality

- 2.5.1 Any reports of Antisocial Behaviour will be treated in complete confidence and no action will be taken against the offending tenant without the consent of the complainant. However, there may be occasions when as a landlord we must

take action to safeguard the whole community despite the complainant not wishing any action to be taken.

- 2.5.2 We will only divulge information to a third party if written consent is obtained from the person concerned or subject to information sharing protocols and General Data Protection Regulations, as outlined in our Data Protection Policy.

2.6 Customer/Tenant Involvement

- 2.6.1 We will ensure that tenants are involved in any review of the Anti-Social Behaviour policy. We will consult with the appropriate tenant panels and focus groups. We will encourage feedback and respond constructively. We will involve tenants in the development of new initiatives for the improvement of the local environment and amenities and keep tenants informed about activities affecting the area around their homes.

2.7 Equality and Diversity

- 2.7.1 We will regularly review performance to ensure equality of access to our services and take proactive steps to ensure that all sections of the community we serve are able to report cases of Anti-Social Behaviour equally by:

- Providing translated leaflets and literature where requested
- Monitoring cases to ensure that all cases are dealt with in a consistent manner in line with procedure
- Ensuring that employees are trained to deal with Anti-Social Behaviour

2.8 Appeals and Complaints Policy

- 2.8.1 Appeals or complaints against our operation of this policy and the procedures for dealing with anti-social behaviour will be processed through Blackwood's complaints procedure.

3. KEY OPERATIONAL FRAMEWORK

3.1 Monitoring, Measurements and Reporting

- 3.1.1 Blackwood will monitor and keep a record of complaints and subsequent action using a standardised format. The Audit and Performance Committee will receive a report on ASB performance as part of the regular reporting on Key Performance Indicators and Charter Reporting.:

3.2 Policy Availability

- 3.2.1 Blackwood will publicise this policy widely and will prepare a summary of the policy in plain English which will be available on request and will also be on Blackwood website. The policy will be made available in languages other than English, large print, Braille, tape or cd for anyone who requests it.

Appendix A

What is Anti-Social Behaviour?

Anti-social behaviour is legally defined as someone acting “in a manner that caused, or is likely to cause, alarm or distress to one or more persons not of the same household.”

Categories of Anti-Social Behaviour

Reports of Anti-Social Behaviour will be categorised and responded to by the following timescales:

THE CATEGORIES HAVE NOT CHANGED BUT RESPONSE TIMES, INVESTIGATION TIMES AND EXAMPLES OF ASB HAVE BEEN ADDED

Category A	Category B	Category C	Category D
Extremely serious – imminent risk ¹	Serious/persistent – no immediate risk	Low level Neighbour nuisance	Non- tenancy related issues
Initial response within 1 working day	Initial response within 2 working days	Initial response within 3 working days	Issue will not be recorded on the complaints data base but- advise will be given to the complainant as appropriate within 20 working days
Full investigation to be complete within 15 working days- outcome advised	Full investigation to be complete within 60 working days - outcome advised	Full investigation to be complete within 20 working days- outcome advised	?
High safety risk including violence and ASB where police are involved	Threats of violence that is more severe and of persistent nature including verbal abuse.	Day to day living noise and minor breaches of tenancy conditions or disputes solely between two neighbours	Will refer to relevant agency.
<ul style="list-style-type: none"> • Violence or aggression • Drug dealing • Racial, Discrimination and Harassment • Illegal or immoral use of property 	<ul style="list-style-type: none"> • Criminal activity • Substance misuse • Breach of the peace • Significant vandalism and damage to 	<ul style="list-style-type: none"> • Not keeping garden tidy • Parking in unauthorised areas • Maintenance of bounders • Refuse • Low level domestic noise 	<ul style="list-style-type: none"> • Child & Adult Protection (will be reported to relevant Local Authority) • Complaints relating to neighbouring owner/occupier properties.

¹ Risk of harm to an individual or property

<ul style="list-style-type: none"> • Domestic violence. • Vulnerable Adult or Child at risk 	<p>common areas</p> <ul style="list-style-type: none"> • Persistent excessive noise nuisance • Persistently failing to control pets • Persistently failing to control children within the house hold • Serious breach of tenancy conditions 	<ul style="list-style-type: none"> • Fly tipping and littering • Environmental issues including graffiti and minor vandalism 	<ul style="list-style-type: none"> • Speeding on public roads
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If any behaviour represents a threat to the safety of occupants of a building or to the structure of the building such as rubbish blocking a fire exit or creating a fire hazard, the response time will be within 24 hours.

Initial acknowledgement of complaints will be different depending on the severity of the complaint, as outlined in the above table, but completed investigations into complaints of Anti-Social Behaviour should aim to be resolved within 30 days. However, extensions may be requested when the circumstances dictate. In such cases it is important to ensure the complainant is kept up to date and informed of this.

Non-tenancy related matters include complaints which are not housing related matters or issues outside Blackwood's jurisdiction, for example Adult Support and Protection and Child Protection (refer to policies), owner occupiers or speeding, general advice will be given regarding where to direct their complaint.

Reports of child or adult protection issues will be passed to the relevant Local Authority as per our policies on these issues.