

Organisational Policy

Anti-Social Behaviour Policy (Group)

Our Commitment

Argyll Community Housing Association is committed to provide equal opportunities across all services and to avoid discrimination. This policy is intended to assist ACHA to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

This policy can be made available in other formats, for example in large print, audio-format or Braille: the document may also be available in other languages, in full or summary form, as appropriate.

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Section 1 – Context

- 1.1 This policy sets out how Argyll Community Housing Association will manage and investigate reports of anti-social behaviour in our properties and on the estates that we manage. It also sets out how we will deal with tenants who have been convicted of crimes punishable by imprisonment, carried out within or in the vicinity of their home or who have used their home for illegal or immoral purposes
- 1.2 This policy applies to all occupancy types including Secure tenancies, Short Scottish Secure tenancies, Occupancy agreements, Travelling persons site leases and any special leases.
- 1.3 Anti-social behaviour is defined in legislation which we must take in to account when considering complaints in terms of this policy and associated procedures. The Anti-Social Behaviour Etc (Scotland) Act 2004 defines anti-social behaviour in the following terms:-

“Acting in a manner that causes or is likely to cause alarm or distress or pursuing 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. Conduct includes speech and a course of conduct must involve conduct on at least two occasions.

The Housing Scotland Act 2001 define anti-social behaviour in the following terms:-

Anti-social in relation to an action or a course of conduct means causing or likely to cause alarm, distress, nuisance or annoyance”.

The above definitions are statutory ones, meaning that it is the legal position. It is a helpful starting point, however, we recognise that it is subjective, based on how the behaviour makes people feel. We understand that people have different tolerances, expectations and perceptions and that sometimes someone will consider something to be ASB when it is not behaviour that should be considered unreasonable.

It is for this reason that when we decide whether something is to be defined as ASB we will consider not just the statutory definition of ASB but also whether the behaviour is unreasonable.

We decide if something is unreasonable based on several factors, including but not limited to:

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- The frequency of the problem – we are unlikely to consider something as ASB if it is a one off incident, unless it is particularly serious.
- How long each incident lasts and/or the times of day they are occurring.
- The impact upon the victim/s
- The intention of the alleged perpetrator and whether they mean to cause harm.

Only where we decide that something is meeting the statutory definition of ASB and it is deemed by us to be unreasonable, will we consider it under this policy.

- 1.4 This policy which is supported by a procedure manual seeks to ensure that we offer the highest standard possible in both the service we provide to our tenants, and other residents, and the quality of living conditions and environment we offer.
- 1.5 The Scottish Social Housing Charter sets standards and outcomes that describe the results that our customers can expect. The main relevant standard for anti-social behaviour is Charter Outcome 6:-
 - Social Landlords working in partnership with other agencies, help to ensure that tenants and other customers live in well maintained neighbourhoods where they feel safe.

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Section 2 – The Law, Good Practice and Links to Other ACHA Policies and Strategies

2.1 In order to effectively deliver the aims and obligations of this policy ACHA will meet the requirements of the following:-

- Antisocial Behaviour Etc. (Scotland) Act 2004
- Housing (Scotland) Act 2001
- Human Rights Act 1998
- Data Protection Act 2018
- UK General Data Protection Regulation (UK GDPR)
- Regulation of Investigatory Powers (Scotland) Act 2000
- Housing (Scotland) Act 2014
- Equality Act 2010
- Protection from Harassment Act 1997
- The Performance Standards for Registered Social Landlords in Scotland as detailed in the Scottish Housing Charter
- The terms of the Scottish Secure Tenancy Agreement and any other lease or agreement in place
- ACHA's Actions by Unreasonable Complainants policy
- ACHA's safeguarding policy
- ACHA's Estate Management Policy

2.2 There may be times where we receive reports of ASB, such as shouting or banging, that are, in fact, signs of domestic abuse occurring in a neighbouring property. Our officers are trained to recognise the signs of domestic abuse and to ensure that the response we take in these matters is sensitive to these circumstances.

Where we believe domestic abuse is taking place ACHA will:

- Take appropriate action to reduce the risk of abuse.
- We will aim to keep the survivor of domestic abuse safe by working proactively with them and other agencies including charities.
- We will provide the survivor of domestic abuse with options and empower them to make choices so that they are able to identify the option that best meets their individual circumstances;
- We will support the lead statutory agency in taking action against perpetrators of abuse. This includes taking tenancy enforcement action against perpetrators where it is appropriate to do so;

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- We will continually improve our response to domestic abuse by learning from survivor feedback and the feedback from a range of other agencies.

2.3 Hate crime is defined as any crime which is perceived by the victim or any other person as being motivated (wholly or partly) by malice or ill will towards a social group.

There are five groups or protected characteristics covered by the hate crime legislation.

- Disability
- Race
- Religion or belief
- Sexual Orientation
- Transgender Identity.

Hate Crimes can take a number of forms, including, but not limited to:

- Threatening behaviour
- Verbal abuse or insults including name-calling
- Assault
- Damage to property
- Encouraging others to commit hate crimes
- Harassment
- Online abuse on sites like Facebook or Twitter

ACHA will treat hate crime as high level ASB, our officers are trained to identify it and we will work in partnership with other agencies to resolve it and provide support for the victims where appropriate.

Section 3 – Our Policy Aims and Objectives

- 3.1 The Association recognises that tenants and residents living within the locality of properties owned by the Association should be able to enjoy safe, peaceful and quiet occupation of their homes without being subjected to anti-social behaviour. We may where appropriate take action to tackle anti-social behaviour using prevention, intervention, support and when necessary all the enforcement tools available to us.
- 3.2 ACHA believes that criminal offending within or in the vicinity of our homes by our tenants or members of their family causes damage to communities

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and will therefore take appropriate action where there has been a conviction.

- 3.3 ACHA will ensure a harm centred approach to ASB is embedded throughout our ASB case management. This means that at all stages of a case, we consider both the behaviour type and impact/harm that it is causing. Our case management decisions are informed by this harm centred approach.
- 3.4 We provide a fair service by being open and honest with the residents who we work with. We will manage expectations about what is possible, throughout all stages of the case management process and will, where appropriate, empower them to be part of the solution.
- 3.5 We understand that the most effective way to resolve ASB is through the adoption of a strong partnership approach, ensuring all known information informs decision making and that the widest range of solutions can be considered.
- 3.6 We will adopt a wide range of tools to tackle ASB, both informal and legal. Our preference is to intervene early, utilising non-legal remedies to bring respite, however, we decide the best tool for each case based on what is deemed a proportionate response to each case in turn.
- 3.7 We recognise the power of communication, raising awareness of impact and giving those who cause ASB the opportunity to take responsibility for their behaviour and repair the harm. We therefore promote mediation and restorative justice as solutions within our work, where they are appropriate to a case.
- 3.8 We recognise that those people causing ASB may have additional needs. We seek to recognise these, provide necessary support or referrals where possible and consider them as part of the decision making within our casework.

Section 4 – Implementing Our Policy Objectives

- 4.1 When a new tenant takes on a tenancy we will go over the terms of the lease with them and make them aware of the conditions of their tenancy that relate to anti-social behaviour and criminal activity in our properties. Prior to signing their lease they will be asked to sign a good neighbour agreement which further underlines the standards of conduct expected by the Association from a tenant.

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- 4.2 The settling in visit which is carried out six weeks after the commencement of every new tenancy is another opportunity to remind tenants of their rights and responsibilities. We also endeavour to learn how the new tenants are getting on with their neighbours and identify any issues at an early stage. The Tenants Handbook gives advice on dealing with neighbour problems and explains what ACHA can do to help. There is also a leaflet that gives information on how ACHA will deal with anti-social behaviour complaints and what type of complaints we can take action on and what type we cannot.
- 4.3 ACHA's estate management policy includes the requirement to carry out estate walkabouts with local residents on each estate. If any areas are highlighted as contributing to ASB due to their design, ACHA may where possible look at carrying out environmental works to design out crime and ASB.
- 4.4 ACHA has a comprehensive procedure for staff to use in line with this policy document to ensure that they have all the guidance and advice on how to deal with any complaint or incident of anti-social behaviour promptly and appropriately.
- 4.5 All reports that meet our definition of Anti-social behaviour will be taken seriously and recorded on our anti-social behaviour database. It is not necessary for complaints of anti-social behaviour to be made in writing, they can be made in person, by phone or by email. 4.6 ACHA will take reports from third parties on behalf of the complainant such as support workers, Councillors or MSP's. In these cases, it is very likely that we would still need to contact the complainant themselves in order to investigate and progress the case.
- 4.6 Anonymous complaints can be difficult for the Association to investigate and take action on. We will accept anonymous complaints and where possible we will investigate and if appropriate take action but we encourage complainants to give their contact details when making a report as we are limited as to what investigation we can carry out without these details.
- 4.7 Sometimes a complainant may wish their identity to remain confidential in a case. We will explain the challenges that this can present, in terms of managing the case. To resolve matters, and in the interest of fairness, we will need to make the perpetrator aware of the reports made about their behaviour. Whilst we often do not need to name the complainant, their identity may be obvious from the details of the report. We will explain this to

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the complainant, as well as offering reassurance about the action we can take should they be subject to any reprisals.

There are further limitations to our ability to maintain confidentiality. If the complainant tells us about something that may be a crime, or they disclose something that suggests they or others are at serious risk of harm then we are likely to need to inform an appropriate agency, whether the complainant wishes us to or not. We will explain these limitations to the complainant, should such a scenario arise

4.8 When we receive a report of anti-social behaviour which we deem to be ASB as per our definition, we will categorise it and acknowledge it. The acknowledgement will advise the complainant of the category of the complaint.

4.9 The categories that we use are as follows:-

High Level Anti-Social Behaviour – investigation will commence within 1 working day.

This would include cases where there has been physical violence perpetrated or there is a real threat of violence. Other very serious incidents such as serious damage to property where the Police have been involved, behaviour that has resulted in serious psychological harm being caused and hate crime would also be classed as serious anti-social behaviour. The target for completion of investigation and resolving these cases is 100 working days

Medium Level Anti-social behaviour – investigation will commence within 5 working days.

This would include serious and persistent anti-social behaviour where alarm and distress has been caused but not where physical violence or the threat of violence has been involved. For example ongoing serious noise nuisance or disturbance, verbal abuse or intimidation, other types of intimidation, criminal damage or vandalism. The target for completion of investigation and resolving these cases is 60 days.

Low Level Anti-Social Behaviour – investigation will commence within 10 working days.

This would include where there have been incidents of breaches of conditions of tenancy which are likely to cause nuisance and annoyance

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rather than alarm or distress. For example, infrequent low level noise or disturbance, DIY at an unreasonable time, incessant dog barking or dog fouling. The target for completion of investigation and resolving these cases is 25 days.

If after investigating the complaint the initial categorisation was incorrect we will re-categorise the complaint and keep the complainant updated.

Target timescales for closing cases are shown in Appendix 1 and are reviewed annually.

4.10 A case is considered resolved

- Where the landlord has taken appropriate measures, as set out in its anti-social behaviour policies and procedures to address the cause of the anti-social behaviour complaint and has advised the complainant of the outcome or
- Where the landlord does not have the authority or powers to resolve and it has provided a full explanation of the landlord's position to the complainant.
- Where the report is not considered to be ASB.

4.11 The Association will require evidence to be able to take action against a person acting in an anti-social manner. If there is no clear evidence to show it is more likely than not that the anti-social behaviour has occurred then the Association will not be able to take any action. There are a number of examples of what would constitute evidence which will vary on a case by case basis. Some examples include multiple witnesses, police evidence, history of similar behaviour, visual evidence. If it is the case that there is not enough evidence to enable us to take any action we will let the complainant know in writing as soon as possible.

4.12 If we decide that a report of ASB does not meet our definition then we will inform the complainant at the earliest opportunity, clearly explaining our reasoning. We will also provide any advice and guidance that may assist such as referring to local mediation services.

The Types of Behaviour we are unlikely to define as ASB

4.13 When applying our definition of ASB as detailed above, there are some behaviours that are rarely considered by us to be ASB. These include but are not limited to:-

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- Behaviours that are acceptable everyday activities or household noise including children playing in their gardens, use of domestic appliances, babys crying.
- Reports that amount to parking disputes where the placement of the offending vehicle is not contravening any regulations or causing serious detriment.
- Reports about garden boundaries or over growing hedges
- DIY that is occurring at a reasonable time of day
- Matters relating to lifestyle choices that are lawful but the complainant takes exception to.

We are also unlikely to intervene where something is a neighbour dispute. We define neighbour disputes as a situation usually between two parties, where the parties do not like each other and each party is taking exception to the other. As a Landlord, our role is not to manage relationships like these and we expect everyone to take some social responsibility by being courteous and considerate to each other.

- 4.14 ACHA will take action against non-tenants who are perpetrating anti-social behaviour, if that anti-social behaviour is affecting ACHA's housing management function. For example if our tenants or staff are being adversely affected by the anti-social behaviour.
- 4.15 ACHA will take action on tenants who perpetrate anti-social behaviour towards our staff or contractors.
- 4.16 When dealing with reports of anti-social behaviour the Association will when appropriate work with other agencies including the Local Authority and the Police in order to seek the most effective responses to the anti-social behaviour. The Association has an information sharing protocol set up with the Police and our staff also attend multi agency anti-social sub group meetings every 3 months, to discuss how agencies can work together to tackle ongoing anti-social cases in each area.
- 4.17 After receiving a report of ASB our officer will complete appropriate investigations. These investigations will help us to determine whether there is enough evidence to take further action in the case and what the most proportionate course of action should be.

We have a range of tools and powers both legal and informal available to us. We do not adopt an incremental approach to the use of these tools, instead, we will decide on the most appropriate tool to use in each

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individual case based on what is proportionate.

This decision will consider factors such as:-

- How often the incidents are happening
- The harm they are causing
- Any previous action that has been taken and how effective it has proven to be.
- The needs of the perpetrator (including whether they are cooperating with the case officer).
- The actions of our partners

Where appropriate we will also try to resolve matters using informal tools first, however where we deem it necessary and proportionate to do so, we may take legal action as a first response.

The types of informal tools we use include:-

- Mediation
- Warning letters
- Meetings with the perpetrator
- Acceptable Behaviour Contracts
- Referrals to other agencies

The types of legal action we use include: -

- Conversion of a Scottish Secure Tenancy to a Short Scottish Secure Tenancy
- Interim and Full Anti-Social Behaviour Orders (ASBO's)
- Serving a Notice of Possession Proceedings
- Court action for possession
- Interdicts

Perpetrator Support

4.18 The focus of our work is to support the victim and reduce the ASB and harm being caused. We recognise however that those causing the ASB may have additional needs such as health issues or substance misuse problems. These additional needs can often aggravate the ASB and it is likely that supporting the perpetrator to seek help for these needs would have the overall impact of reducing the ASB. We will therefore consider the needs of the perpetrator during our case work. We will make the decision

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as to the best course of action on a case by case basis but our response may include:-

- Make any necessary referrals to internal teams and or external agencies
- Making any necessary safeguarding referrals
- Referring the matter to the relevant partnership or forum, if we feel that the case requires input from several agencies, so that a multi-agency response/plan can be agreed and a lead agency identified.

Sadly, we recognise that sometimes a person may require support that is not available or where they do not meet the threshold for intervention. Alternatively, a person may be offered support that they refuse to accept or that they display disguised compliance for only. These circumstances will not stop us from taking appropriate enforcement action if the ASB is still ongoing. Equally we may take enforcement action alongside making any referrals to support.

Before commencing legal action, we will complete a proportionality and equality act assessment. This assists us in identifying the action that is most proportionate to the case. In addition, where the perpetrator has a protected characteristic, such as a disability, it helps us to ensure that we are not acting in a way that would discriminate or where we are in breach of our duties under the public sector equality act.

Complainant/Victim Support

- 4.19 ACHA will ensure a harm centred approach to ASB is embedded throughout our ASB case management. When we receive a report of ASB we will carry out a risk assessment to assess the vulnerability of the victim and the harm caused to them by the ASB. Where appropriate and possible we will refer to other agencies for support.

Where residents have agreed to act as a witness in a Court action that we are taking for ASB we will support that resident by meeting with them prior to the Court date to explain the structure of the hearing and the role of the parties involved in the hearing. We will also ensure that all complainants and witnesses are advised of the outcome of the Court hearing. Where required we will also assist witnesses with transport to the Court hearing.

Criminal Convictions

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4.20 Where a tenant, joint tenant, or someone living in or visiting the property has been convicted of either using or allowing the house to be used for illegal or immoral purposes or has been convicted of an offence punishable by imprisonment in or in the vicinity of the house, ACHA will take action against the tenant of that property.

Depending on the nature and level of the offence ACHA will either:-

- Issue a written warning
- Serve a Notice of Possession Proceedings
- Apply to the Court for an Anti-social behaviour order
- Apply to the Court for eviction

If the Association decides that under the circumstances it is justifiable and proportionate to proceed with eviction action against that tenant and the conviction was within the previous 12 months then ACHA will if appropriate make use of the mandatory ground for eviction introduced by the Housing Scotland Act 2014

Keeping the complainant informed

4.21 ACHA will update the complainant of our investigations and response to antisocial behaviour in accordance with the timeframes set out in this policy. ACHA will advise the complainant of action taken in terms of our policy for example we will advise the complainant if we cannot take any action and the reason for this, if warning letters are issued and what level of warning, if a notice of possession proceedings is served and if a referral to court has been made. We can also advise the complainant on the outcome of the court hearing.

We will not give the complainant any personal information on the perpetrator and we will not advise if we have done a referral to social work or other specialist agency.

When a case is closed ACHA will advise the complainant in writing that the case is closed and send a satisfaction survey for them to complete and return.

Publicity

4.22 We recognise the benefits that publicising the action we take can bring. It can reassure communities, leading to an increase of confidence and reporting. It can deter the perpetrator (or would be perpetrators) from further

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behaviour. Often the tools we utilise require the cooperation of the community to inform us of any breaches and help us monitor compliance. They, therefore, need to be aware that there is an order in place.

Where the publicity involves personal and sensitive information, we will carefully consider the needs of the perpetrator against the above objectives, helping us to decide how best to publicise and to what extent.

We will not publicise specific court orders where publicity restrictions have been applied by the Court.

Section 5 – Performance management

- 5.1 We carry out an annual tenant satisfaction survey which measures our tenants' levels of satisfaction in many areas including the overall service provided by their Landlord and how good their Landlord is at keeping them informed about the services they provide and the decisions they make. The outcomes of this are reported to all our customers and to the Scottish Housing Regulator.
- 5.2 When each anti-social complaint is closed we send out a satisfaction survey to the complainant to ask them to comment on how well they felt that we dealt with their complaint. If they were not happy with how their Anti-social complaint was dealt with this survey gives them the opportunity to raise a complaint through our complaint handling process.
- 5.3 The following indicators require to be collected, collated and reported in relation to Anti-Social Behaviour, in line with the requirements of the Scottish Housing Regulators Technical Guidance For Landlords:
 - **Indicator 15** – percentage of Anti-Social Behaviour cases reported in the last year that were resolved.
 - **Indicator 22** – percentage of court actions initiated which resulted in eviction and the reason for the eviction.
 - **Indicator 1** – percentage of tenants satisfied with the overall service provided by their Landlord.
 - **Indicator 2** – percentage of tenants who feel their Landlord is good at keeping them informed about their services and decisions.

The timescales in which we resolve anti-social behaviour cases are monitored quarterly as part of our Key Performance Indicators.

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Any current Anti-Social behaviour cases are also monitored weekly at team meetings to ensure that they are resolved within target and dealt with effectively.

Section 6 - Development and Training

- 6.1 ACHA is committed to training and developing staff in order that they have a good knowledge of the procedures and systems in place for dealing with Anti-Social Behaviour complaints.
- 6.2 Awareness sessions are made available to Governing body members on request as part of their development plan.

Section 7 - Dealing with Complaints

- 7.1 We value complaints and endeavour to use information from them to help us improve our services. Complaints relating to how we have dealt with complaints of Anti-Social Behaviour are dealt with in line with our complaint handling procedure. Complaints can be made if we fail to apply this policy properly or do not meet our organisational standards.
- 7.2 There may be times where we have communicated our decision to a complainant, yet they continue to report the same matters. On occasions we may have contact from people who are abusive or unreasonable. If the contact from a complainant becomes unreasonable, persistent or vexatious then we may consider taking action in line with our Unreasonable Actions by Complainants policy. We may also consider unreasonable contact to meet our definition of ASB and therefore deal with the matter in line with this policy.

We will always take a sensitive approach, seeking to understand the reasons for the unreasonable contact and trying to provide support where we believe it is due to an additional need, rather than an intention to cause nuisance or harassment.

Section 8 – Consultation and Review

- 8.1 This policy will be reviewed every five years or earlier if required due to substantive changes in legislation or regulatory requirements.

As part of the review process formal consultation will take place with relevant stakeholders, who include:

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- Tenants
- The Feedback Forum
- The Tenants Panel
- The Your Voice Scrutiny Group
- Staff

The outcome of the review process will be made available via our tenants' newsletter, website and social media platforms.

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Section 9 – Confidentiality and Data Protection

All information provided by tenants and residents will only be used for the purpose provided. We will ensure that we meet the requirements of the Data Protection Act 2018 and UK GDPR (General Data Protection Regulation). We will process and retain personal information in compliance with current data protection legislation and regulations.

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Policy Owner	Housing & Neighbourhood Services
Author	Sarah Campbell
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Previous Review Dates	
Review Committee	
Next Review Date	September 2027

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APPENDIX 1

TARGET TIMESCALES FOR CLOSING CASES

Targets for closing ASB cases will be reviewed annually and any changes will be approved by our Policy, Performance and Operations Committee.

2025/2026

High Level Cases – 100 days
Medium Level Cases – 60 days
Low Level Cases – 25 days

2026/2027

High Level Cases – 40 days
Medium Level Cases – 30 days
Low Level Cases – 15 days