



Organisational Policy

Anti-Social Behaviour Policy

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

Argyll Community Housing Association Limited (A Scottish Charity - SC042713) (ACHA) is a registered social landlord which was established in 2006. The Association is a Housing Association registered under the Housing Associations Act 1985 and a Registered Society registered under the Co-operative and Community Benefit Societies Act 2014. It has its registered office at 63-65 Chalmers Street, Ardrishaig, Argyll, PA30 8DX.

Focusing on local accountability, ACHA operates four local area associations which oversee service delivery, set service standards and determine local priorities in their areas of operation working within the Scheme of Delegated Authority and the Business Plan agreed by the Association's Board of Management and at that time, Communities Scotland.

ANTISOCIAL BEHAVIOUR

A person engages in antisocial behaviour if they act in a manner that causes, or is likely to cause, alarm or distress or pursue a course of conduct that causes, or is likely to cause, alarm or distress to at least one person not of the same household as them. (Anti-Social Behaviour Etc.. Scotland Act 2004)

"conduct" includes speech and "a course of conduct" must involve conduct on at least two occasions.

The antisocial behaviour does not need to actually cause alarm or distress but would "likely to cause" such a reaction.

Typical examples of antisocial behaviour include harassment, abuse, loud noise, littering, vandalism, graffiti, dog fouling, being involved with illegal drugs either using, storing or supplying.

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

In formulating and implementing this policy, statutory requirements, Performance Standards and Good Practice outlined in documents such as The Scottish Social Housing Charter have been incorporated.

Legislation relevant to this policy includes:

- Human Rights Act 1998
- Data Protection Act 1998
- Housing (Scotland) Act 2001
- Antisocial Behaviour Etc. (Scotland) Act 2004
- Regulation of Investigatory Powers (Scotland) Act 2000
- Housing (Scotland) Act 2010
- Equality Act 2010
- Housing (Scotland) Act 2014

EQUAL OPPORTUNITIES STATEMENT

This Antisocial Behaviour Policy complies with ACHA's Equal Opportunities Policy. ACHA recognises its proactive role in valuing and promoting diversity, fairness, social justice and equality of opportunity by adopting and promoting fair policies and procedures.

ACHA will review its Antisocial Behaviour Policy and associated procedures at appropriate intervals for their equal opportunities implications, taking appropriate action to address inequalities likely to result or resulting from the implementation of the policy and procedures.

ACHA is committed to providing fair and equal treatment for all its stakeholders including tenants and will not discriminate against any on the grounds of race, colour, ethnic or national origin, religion, age, gender sex, sexual orientation, mental status, family circumstances, employment status, physical ability and mental health.

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ACHA Policy and strategy links

- Complaints Policy
- Data Protection Policy
- Estate Management Policy
- Health and Safety Policies
- Tenant Involvement Strategy

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Section 3 – Our Policy Aims and Objectives

3.1 Aims

ACHA recognises that safe and clean environments generate strong and stable, communities.

ACHA recognises that its tenants, their families, guests and visitors should be able to enjoy quiet and peaceful occupation of the tenant's home without being subjected to antisocial behaviour.

ACHA recognises that residents within the locality of the Association's properties should be able to enjoy quiet and peaceful occupation of their homes without being subjected to antisocial behaviour by its tenants, their families, guests or visitors.

ACHA recognises the damage that criminal offending, including drug dealing or use, can cause on families and communities and seeks to take all appropriate action to discourage such conduct by its tenants, their families, guests or visitors.

ACHA strives to have a zero tolerance approach towards anti-social behaviour.

The specific objectives of this Policy are to achieve the following:

3.2 Objectives

- Identifying antisocial behaviour prevention strategies such as the design of new developments, increased lighting, etc.

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- Ensuring that staff are appropriately trained so that they have the appropriate skills to deal with antisocial behaviour
- Developing and maintaining a multi-agency approach to addressing antisocial behaviour
- Enforcing compliance by tenants with their obligations under their tenancy agreements
- Where there has been a complaint or notification of alleged antisocial behaviour, be efficient and proactive in investigating the matter and identifying the appropriate response
- Where appropriate to make early intervention
- Undertaking all action considered to be appropriate by the Association until the antisocial behaviour is resolved
- Ensuring that complainers are kept regularly up to date on the status of their complaint

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Section 4 – Implementing Our Policy Objectives

4.1 Enforcing the terms of the tenancy

Prior to the tenant signing the Tenancy Agreement, the new tenant will require to complete & return a document confirming that they are aware of the responsibilities of being a tenant. New tenants are also requested to sign a “Good Neighbour Agreement” which further underlines the standards on conduct expected by the Association from the tenant.

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.

4.2 Receipt of notification/complaint of antisocial behaviour/service standards

Complaints about antisocial behaviour should generally be made in writing; otherwise it may be difficult for the Association to pursue them. However there may be circumstances where it is appropriate to respond to verbal complaints. The Association’s staff will offer assistance where required and a sign or language interpreter can be made available and the complainer can have a family member, friend or other representative with them at all times, if they so wish. Complaints will be discussed in a location where complainers feel comfortable.

In accordance with the service standards, the Association will investigate cases confidentially and impartially.

To assist the Association’s staff in determining the appropriate response to different types of antisocial behaviour ACHA categorise antisocial behaviour into 3 categories. The Association will re categorise the complaint if our investigation or circumstances determine that the case is more or less serious than it first seemed. In this circumstance we will advise the complainant of both

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the change & the reason. The service standards stated are the result of consultation with our tenants, service users & other stakeholders. The reporting requirement as stipulated by indicator 19 of the Scottish Social Housing Charter is that the Association reports the percentage of cases resolved within locally agreed targets. The Association considers that a complaint will be considered to be resolved when: 1) there is no repetition of the behaviour within two weeks of the last action, or 2) in circumstances in which the perpetrator (s) have no legal relationship with the Association (for example involving owner occupiers or third parties) the date at which the Association takes the maximum action appropriate to our anti-social behaviour procedural guidance.

Type - Neighbour Nuisance

Examples:

- Infrequent disturbance
- Noise complaints
- Running a business
- Unauthorised alterations
- Behaviour of visitors/children
- Basic breaches of the tenancy agreement i.e. pet nuisance/stair cleaning
- Failure to maintain garden/common grounds, etc.
- Boundary disputes
- Family disputes affecting neighbours

Completion target- 25 days

Type - Antisocial Behaviour

Examples:

- Frequent disturbance
- Vandalism/Damage/Graffiti
- Verbal harassment

.Completion target - 60 days

Type - Serious Antisocial Behaviour

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Examples:

- Storing, using or dealing drugs or controlled substances in or in the locality of a house let by the Association
- Assault including domestic abuse
- Racial or homophobic harassment
- Violent conduct towards neighbours/ACHA staff
- Threatening behaviour.

Completion target – 100 days

ACHA will:

- Consider any support needs and / or the need for protection for the complainant and work in partnership with respective agencies to address any needs identified
- Respect the complainant's wish to remain anonymous and where appropriate, identifying alternative methods of providing evidence. The exception to this will be where a person (including children) is considered to be at risk, or if there is a risk of serious harm to anyone involved in the situation, or when required to do so by law or by an order of a court
- Provide advice and assistance and a supportive environment, which encourages people to report antisocial behaviour to ACHA, the police and other relevant agencies
- Explain and provide guidance to the complainant about the investigation and any action the Association may take.

4.3 Early Intervention

Where appropriate, ACHA may make early intervention in response to a complaint of antisocial behaviour to prevent it escalating. For instance, where there has been a minor neighbour dispute.

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4.4 Addressing the antisocial behaviour

ACHA will consider the action that best delivers a proportionate and flexible response to the antisocial behaviour reported.

Depending on the nature of the antisocial behaviour ACHA may consider:

- Warning letters
- Mediation
- Acceptable Behaviour Contracts
- ASBOs
- Recovery of Possession of the tenancy

The Association's Antisocial Behaviour procedure contains full details of action the Association may take to combat antisocial behaviour.

4.5 Keeping the complainer informed

ACHA will update the complainer of our investigations and response to antisocial behaviour in accordance with the timeframes set out in this policy.

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Section 5 – Performance management

5.1 Performance Management Framework

ACHA operates within a performance management framework which report to and aims to meet the requirements of our tenants, factored owners, Board of Management, the Scottish Housing Regulator and the Scottish Social Housing Charter.

5.2 Charter standards & outcomes

As required by Section 31 of the Housing (Scotland) Act 2010, the Scottish Social Housing Charter sets out the standards and outcomes that all social landlords should aim to achieve when performing their housing activities:

- **Charter Ref.1 – Equalities**

Social landlords perform all aspects of their housing services so that:

Every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.

- **Charter Ref.3 – Participation**

Social landlords manage their businesses so that:

Tenants and other customers find it easy to participate in and influence their landlord's decisions at a level they feel comfortable with.

- **Charter Ref.6 – Neighbourhood & Community**

Social landlords working with in partnership with other agencies, help to ensure that:

Tenants & other customers live in well maintained neighbourhoods where they feel safe.

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5.3 Charter Standards & Outcomes

We use Regulatory and local performance indicators to monitor and report on our anti-social behaviour service. Such indicators include:-

- The number of complaints received.
- The number of complaints resolved within locally agreed targets.

5.4 Monitoring Performance

Internally, performance will be monitored periodically by ACHA's Senior Management, Board of Management and local Area Committees. Performance information will also be provided, on a regular basis to our tenants, via the Tenants Newsletter and to the Tenants Panel. We will agree the approach regarding the publishing of Performance information with our tenants and service users and this will be reported annually in our Landlord report.

Externally, the Scottish Housing Regulator will monitor performance in terms of outcomes and standards achieved in line with the requirements of the Scottish Social Housing Charter. We will, annually, submit key performance information on our achievements to the Regulator. In order to ensure that this policy remains fit for purpose and continues to meet Charter requirements, a Tenant's Scrutiny Panel will monitor and review the performance standards.

We will report on :- 1) Number of complaints received, 2) Number resolved & 3) Number resolved within locally agreed targets.

Performance data will be collected using a number of methods: - Tenants and factored owners can also submit feedback on our repairs service via our website www.acha.co.uk

- Post complaint survey forms are sent to complainants to monitor the quality of the service
- All tenants are surveyed on the perception of their communities on a regular basis.

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- All feedback received will be used to monitor and improve service delivery. Satisfaction levels will be reported to Senior Management on a monthly basis and to our Board of Management bi – monthly.

Section 6 - Development and Training

Staff involved in the delivery of the anti- social behaviour service will be suitably qualified and trained.

All ACHA staff will undertake mandatory Customer Care and Diversity training.

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Section 7 - Our positive action initiatives

7.1 Prevention

ACHA works to try to minimise the circumstances which may give rise to antisocial behaviour. We aim to adopt a corporate approach in dealing with these matters.

When designing new housing developments ACHA take a team approach to include Housing Management staff in this process so that the design of new housing developments will take account of potential problems for those residing in and managing the housing development. In particular we will consider the following factors when designing new housing developments with the aim of minimising nuisance and antisocial behaviour:

- Sound insulation
- Stair and development lighting
- Provision of secure door entry systems
- Adequate fencing & clear boundaries
- Clear distinction between public and private space
- “Security by design”
- Location of car parking

When allocating tenancies, ACHA will seek to manage potential risks and identify support needs including undertaking risk assessments and support planning prior to, and during the tenancy, to achieve tenancy sustainability; and ensuring appropriate support is identified by working in partnership with other service providers and agencies, and that where appropriate this support is on-going.

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ACHA will work with communities to reduce and prevent ASB including:

- promoting diversionary projects for young people; and
- contributing to, and taking part in partnerships that work towards the prevention, management, and protection of the wider community.

7.2 Housing Allocation

The Association is a partner of the Home Argyll Common Housing Register & adopts the policies & procedures of the partnership in respect of adopting a common approach to dealing with housing applications in circumstances where antisocial behaviour has been evident.

The Home Argyll policy states:

Suspending an Application - Suspension from the housing list can only occur in certain circumstances. An applicant will not be offered accommodation while suspended, even if they demonstrate housing need. The circumstances which can result in an application being suspended are:-

- Where there is evidence of previous serious antisocial behaviour or harassment being perpetrated. Each case will be treated individually and account will be taken of the severity of the behaviour, when it happened and any mitigating factors. Suspension under this category will be to a maximum of 6 months but there will not be a set time limit and applicants will be notified individually of time scales. Time scales will be reviewed in the event of a change of the applicant's circumstances.

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7.3 Maintenance

We aim to have priority response times to deal with the results of antisocial behaviour such as offensive graffiti removal, provide effective security for empty buildings and upgrade security provision as part of routine repair work.

Section 8 – Dealing with complaints

We value complaints and endeavour to use information from them to help us improve our services. If a tenant, factored owner or any other customer is unhappy with our anti-social behaviour service, we will deal with the matter through our Complaints Handling Procedure.

Section 9 – Consultation & Review procedures

This policy will be reviewed every three 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:-

- Tenants
- Service users
- Area Committees
- The Tenant Consultation Register
- The Tenants Panel
- Staff.

The outcome of the review process will be made available via our tenant's newsletter and on our website.

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Section 10 – Confidentiality and data protection

CONFIDENTIALITY

ACHA recognises that confidentiality is important to tenants and complainers will treat their personal information in accordance with the requirements of the Data Protection Act 1998.

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Author	David Rae
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Policy Creation Date	February 2015
Review Period	3 years
Previous Review Dates	
Review Committee	
Next Review Date	February 2018