



Anti-Social Behaviour Policy

Approved by Management Committee June 2023

Next review due June 2026

Contents

1. Introduction, Legislation, and Regulatory Standards	3
1.5 Relationships to Other Policies	3
1.7 Scottish Social Housing Charter	4
1.11 Equalities	4
2. Categories	6
3. Investigation & Outcomes	7
3.2 Prevention	7
3.4 Investigation	7
3.12 Support	9
3.16 Outcome	9
3.30 Legislative Actions	11
Anti-Social Behaviour Order (ASBO)	11
Short Scottish Secure Tenancy (SSST)	12
Eviction	12
3.34 Alternative Actions	12
Good Neighbour Agreement	12
Referrals to other agencies	13
Informal Warnings	13
Mediation	13
4. Reporting & Review	14
5. Risk Assessment	15
6. Procedures	17

1. Introduction, Legislation, and Regulatory Standards

- 1.1 Yorkhill Housing Association takes incidents of Anti-Social Behaviour very seriously and will robustly investigate any complaints and take appropriate action where necessary. We believe that every resident has the right to live in their home without fear of being abused, harassed or subjected to a nuisance by anyone.
- 1.2 Tenants of Yorkhill Housing Association hold a Scottish Secure Tenancy Agreement which states that Anti-Social Behaviour is *“causing or likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to anyone’s property. Harassment of a person includes causing the person alarm or distress. Conduct includes speech. A course of conduct must involve conduct on at least two occasions.”*
- 1.3 We will actively engage with other agencies where necessary which may include Police Scotland, Scottish Fire and Rescue, Glasgow City Council, support agencies, charities, and any other organisation which can provide information or support to affected parties.
- 1.4 Where someone reports a crime has been committed they should be referred in the first instance to Police Scotland. The Association is not responsible for the investigation of crimes, but will liaise with the police and take action against tenants who have been cautioned or charged, or convicted of an offence, or where a condition of their tenancy has been breached.

1.5 Relationships to Other Policies

- 1.6 This policy exists in relation to other Yorkhill Housing Association policies:
 - Estate Management Policy
 - Pets Policy

- Allocations Policy

1.7 Scottish Social Housing Charter

1.8 The Scottish Social Housing Charter sets standards that the Association should meet and the following are relevant to anti-social behaviour:

1.9 **Outcome 1:** *“Social landlords, working in partnership with other agencies, help to ensure as far as reasonably possible that tenants and other customers live in well-maintained neighbourhoods where they feel safe.”*

To meet this outcome the association will:

- Robustly investigate any complaints of anti-social behaviour in line with policy and take appropriate action.

1.10 **Outcome 11:** *“tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations.”*

To meet this outcome the association will:

- Attempt to resolve neighbour related issues as quickly as possible, and will provide information on where to seek independent support.

1.11 Equalities

1.12 The Equality Act 2010 sets out protected characteristics and any complaints of discrimination, abuse, or harassment due to these characteristics will be investigated under Category A of the policy:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity

- Race
- Religion or belief
- Sex
- Sexual orientation.

2. Categories

2.1 In order to prioritise complaints and ensure effective investigation of any issues complaints will be categorised under the following headings. The examples are not prescriptive and each complaint will be categorised on its own merits.

- **Category A** – Serious abuse or harassment, and incident relating to any protected characteristic, assault, violence, drug dealing, or any other behaviour where Police Scotland have charged any person with any offence.

Acknowledgement: 1 working day

Resolution: 3 months

- **Category B** – Aggressive or abusive behaviour, frequent disturbances, vandalism, drug abuse.

Acknowledgement: 3 working days

Resolution: 20 working days

- **Category C** – Any other complaint of noise, disturbances or allegations of breaches of tenancy.

Acknowledgement: 3 working days

Resolution: 10 working days

3. Investigation & Outcomes

3.1 Yorkhill Housing Association will seek to resolve incidents of anti-social behaviour through the following process:

- Prevention
- Investigation
- Support
- Outcome

3.2 Prevention

3.3 The most effective method of ensuring residents do not experience anti-social behaviour is to take effective measures to prevent incidents from occurring. These may include:

- Mediation – Glasgow City Council offer a mediation service and this may encourage dialogue between neighbours which can prevent incidents from escalating.
- Local Police – Attending the local Housing & Police Forum and also engaging with local Problem Solving Team Police Officers can assist organisations to work together, identifying ‘hot-spots’ and sharing of information.
- Liaison with other agencies – It may be appropriate to liaise with other agencies such as Social Work, NHS, Glasgow City Council, Anti-Social Behaviour Noise Team and/or support agencies to gather information or to provide support.

3.4 Investigation

3.5 In order to take appropriate action Yorkhill Housing Association requires sufficient evidence that anti-social behaviour has occurred, therefore its investigation will be centred on obtaining this evidence.

- 3.6 Upon receipt of a complaint of anti-social behaviour complainants will be asked to complete a written complaint form. Other formats of complaints will be accepted for example, emails and letters, however, telephone calls should be followed up in writing. These complaints will be kept anonymous throughout the process, although witnesses may be required to present evidence at court if necessary. The alleged perpetrator will be invited into the office to discuss the incident and corroborating evidence will be sought.
- 3.7 Suitable evidence may come from photographs, mobile phone footage, CCTV, Police Scotland, Glasgow City Council or any other agency detailed above, however it is important to gather personal evidence from those affected – local residents. Witnesses to any incident will be sought including immediate neighbours and surrounding residents where possible.
- 3.8 Mediation will be offered throughout the process if appropriate.
- 3.9 Incidents relating to a crime will be referred to Police Scotland and complainers will be asked to report this directly. Yorkhill Housing Association will engage with Police Scotland where appropriate and may take further action following any party being charged with an offence. Alternatively, incidents of anti-social behaviour may be reported by Police Scotland and further witnesses may still be sought.
- 3.10 The alleged perpetrator will be invited into the office to discuss the issue. A verbal warning may be issued at this stage if applicable. If the alleged perpetrator fails to attend appointments or discuss the complaint a formal written warning may be served in their absence.

3.11 Yorkhill Housing Association takes a zero-tolerance approach to drugs. Our tenancy agreements state that “[tenants] must not use or allow the house to be used for illegal or immoral purposes. This includes but is not limited to... dealing in controlled drugs...” If any tenant is charged with an offence relating to the growing or preparation of drugs, or dealing drugs from their property or in the surrounding area the association will immediately issue a formal written warning. Upon conviction the association will seek to commence legal action to recover the tenancy.

3.12 Support

3.13 Yorkhill Housing Association recognises the impact that experiencing anti-social behaviour can have on people lives and wishes to support the victims of these incidents.

3.14 There are agencies in Scotland which can provide support and information services to victims at witnesses of crime including Victim Support Scotland or COPFS Victim Information and Advice Officers. Referrals can be made to these agencies where appropriate.

3.15 Management Transfers may be considered in extreme cases.

3.16 Outcome

Tenants

3.17 The evidence gathered throughout the investigation will be analysed to determine if any breach of tenancy conditions have occurred by any party involved in the complaint.

3.18 If a condition of a tenant’s tenancy agreement has been breached the tenant will be invited in to the office to discuss the matter and to explain the potential impact a warning will have on their tenancy.

- 3.19 Staff may use their discretion to decide if the matter requires a formal written warning, or simply an informal verbal warning, depending on the severity of the breach and the response from the perpetrator. Informal warnings will be noted and may be referred to in any future investigations.
- 3.20 If a formal written warning is to be served this will be explained to the tenant at the meeting, then followed up in writing advising further incidents will not be tolerated.
- 3.21 Further complaints regarding the same perpetrator will be investigated as a separate complaint through the same process, and a second formal warning may be served.
- 3.22 Upon serving a second formal warning the Housing Services Manager may decide to serve a Notice of Proceedings for Recovery of Possession (NOP) which permits Yorkhill Housing Association to commence court action to recover the tenancy.
- 3.23 The Management Committee will be informed if court action is taken following the serving of a NOP and will be kept informed of proceedings. Permission will be sought to use any Decree for eviction granted at court.
- 3.24 If a Decree is obtained, and permission granted by the Management Committee, the Housing Services Manager will arrange an eviction date with Sheriff Officers and the association's Solicitors.
- 3.25 Alternative outcomes may be considered such as an Anti-Social Behaviour Order or conversion of the tenancy to a Short Scottish Secure Tenancy (SSST) depending on advice from Police Scotland and the association's solicitors.

Owners/Private Landlords/Commercial Tenants

- 3.26 Yorkhill Housing Association does not have any powers to formally take action against owners, commercial tenants, or private landlords in the same manner as our tenants as they do not hold tenancy agreements with the association. In all cases mediation may help find a solution.
- 3.27 The association will engage with the landlords of any private tenants responsible for anti-social behaviour, who do have powers of responsibility over their tenants. We may also refer a landlord to the Scottish Landlord Registry if they do not suitably carry out their obligations in this respect.
- 3.28 If a commercial tenant is the perpetrator of anti-social behaviour the association will actively engage with the tenant, the owner of the property and/or Glasgow City Council in an effort to rectify any issues.
- 3.29 Where an owner is the perpetrator of anti-social behaviour the association will also engage with Police Scotland and Glasgow City Council where appropriate.

3.30 Legislative Actions

3.31 Anti-Social Behaviour Order (ASBO)

Seeking an Anti-Social Behaviour Order (ASBO) may be considered if appropriate. Yorkhill Housing Association will discuss this option with Police Scotland and Glasgow City Council where this is seen as a possible course of action.

3.32 **Short Scottish Secure Tenancy (SSST)**

The Housing (Scotland) Act 2014 allows the association to convert a tenancy to a Short Scottish Secure Tenancy (SSST) for a minimum period of 12 months (and can be extended a further 6 months) where there is evidence that the tenant has been engaged in Anti-Social Behaviour in, or near, their home within the last 3 years. The association will engage with its solicitors and Police Scotland before deciding to take this action. The tenant has the right of appeal.

3.33 **Eviction**

The Housing (Scotland) Act 2014 also introduced mandatory grounds for eviction if a case calls at court. This ground is applicable if the court action is made within 12 months of the tenant's conviction for using the property for illegal or immoral purposes, or for an offence in or near the property that is punishable by imprisonment. Court action can still be taken even if a tenant has not been convicted of a crime and the Sheriff will have discretionary powers to grant a Decree for eviction in this instance. The association will engage with its solicitors and Police Scotland before deciding to take this action, and the Management Committee must authorise the eviction beforehand.

3.34 Alternative Actions

3.35 **Good Neighbour Agreement**

New tenants of the association are asked to sign a Good Neighbour Agreement which is an informal statement from the tenant that they will be a good tenant. This reinforces the association's position that Anti-Social Behaviour will not be tolerated, and can be referred to if complaints are received.

3.36 **Referrals to other agencies**

If required, a referral can be made to other agencies for support; for example drug or alcohol addictions, health conditions or disabilities, or any other needs as required.

3.37 **Informal Warnings**

The association may decide to issue an informal warning instead of taking formal action against a tenancy and staff have the discretion to do so. Examples of where an informal warning may be used may include one-off events such as a party or a celebration of an occasion where the perpetrator admits liability and is unlikely to 're-offend', or where there is insufficient evidence to take formal action.

3.38 **Mediation**

Glasgow City Council offers a mediation service and all parties being involved in this process may lead to a satisfactory outcome without any formal action being required. Suitably trained Association staff may also provide mediation where available.

4. Reporting & Review

- 4.1 Statistical analysis reports will be generated to monitor performance of the recovery action. The information gathered will be:
- Number of Cases
 - Category A
 - Category B
 - Category C
 - Completed Within Timescale
 - Number of Breaches of Tenancy issued
 - Number and status of court cases
 - Number of completed court actions (evictions)
- 4.2 Performance reports are presented to the Services Sub-Committee on a quarterly basis.
- 4.3 This policy will be subject to review on a 3 yearly cycle, or sooner if changes to legislation requires any updates.

5. Risk Assessment

No	Risk	Grs L'hd (1-5)	Grs Imp (1-5)	Grs Risk Totl	Managed by (key systems / processes):	Lead Individual	Net L'hd (1-5)	Net Imp (1-5)	Net Risk Totl	Action Required
	Strategic Risks									
1.	Ensure all practices comply with Policy & ARC	5	5	25	Reviewing conditions set out in ARC and reviewing recording methods to comply. Monthly performance meetings to take account of this.	All staff /Committee	1	4	4	Set up of new ARC targets for HM SHR Assurance Statements.
2.	Damage to organisation reputation	3	5	15	Good service delivery essential. Satisfaction Surveys. Monitoring of complaints received.	GK	2	2	4	Continual monitoring of service and complaints
3.	G.D.P.R. Breaches.	3	4	7	Policies and procedures. Protocols.	HM	2	3	5	Incident register developed and maintained. Housekeeping rules. Data sharing agreements. Addendums for contractors and other service providers. Data Protection Policy.

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I M P A C T	5	Green	Yellow	Yellow	Red	Red
	4	Green	Green	Yellow	Yellow	Red
	3	Green	Green	Green	Yellow	Yellow
	2	Green	Green	Green	Green	Yellow
	1	Green	Green	Green	Green	Green
		1	2	3	4	5
PROBABILITY						

6. Procedures

The timescales for completing an investigation are contained within the Anti-Social Behaviour Policy. Staff should follow these procedures upon receipt of an anti-social complaint.

Owners/Private Landlords/Commercial Tenants

Where complaints against these parties are received staff should engage with the owner or landlord to advise them of the complaints received. Staff should also engage with Glasgow City Council and Police Scotland where necessary who will gather evidence and can engage directly with the perpetrator to attempt to come to an amicable agreement.

In cases of residential landlords the association may contact the Scottish Landlord Registry where appropriate.

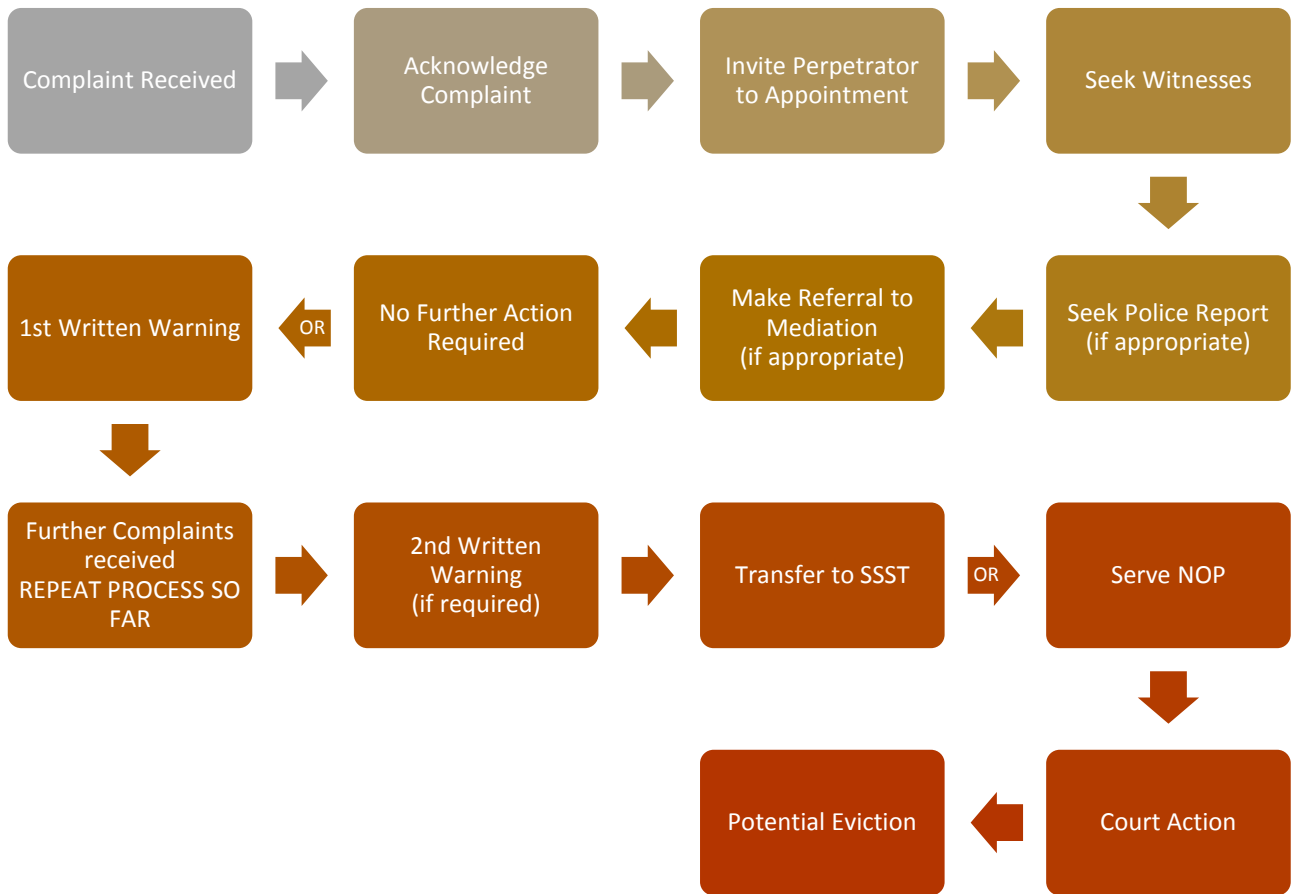
Mediation can be offered in these circumstances and an informal approach may be beneficial.

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Tenants

A brief outline of the tenant process is below:



Step	Detail	Letter
1	Upon receipt of a complaint an acknowledgement letter will be sent to the complainer in line with category timescales.	[1. Acknowledge Complaint]
2	An appointment letter will also be sent to the perpetrator. If they do not contact or attend the office a further letter will be sent.	[2. ASB Perpetrator Letter] [2a. ASB Perpetrator 2 nd Letter]
3	If they do not attend a 1 st Written Warning will be served.	[2b. DNA Warning].
4	A letter will be sent to surrounding residents to attempt to find witnesses to the incident.	[3. Surrounding Residents]
5	Once statements have been received from all parties involved, and any witnesses that have come forward, staff will analyse the information received to determine if any party has broken a condition of their tenancy.	
6	If no further action is necessary due to insufficient evidence, or that the perpetrator did not breach any tenancy condition letters will be sent to both parties advising them.	[4a. & 4b. No Further Action]
7	If it can be reasonably evidenced that a perpetrator has broken a tenancy condition they will be served with an appropriate warning letter, and this clarified to any complainers.	[5a. 1 st Warning] [5b. Confirmation of Warning to Complainer]
8	If following a warning being served there are further complaints the process [1-7] will repeat with letters being sent which are adapted to acknowledge the further complaints.	[6. Acknowledge Further Complaint] [7a. & 7b. Further Perpetrator Letter (and 2 nd Appt Letter)] [8a. 2 nd Warning] & [8b. Confirmation of 2 nd Warning to Complainer]
9	Each case will be evaluated on its own merits and the Housing Manager will decide if a Notice of Proceedings is to be served and court action taken, if the tenancy is to be transferred to a Short SST, or if any other action is to be taken.	