



## POLICY

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### Anti-Social Behaviour Policy

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# Wellhouse - The Place to Be

Policy Created	June 2021
Date of Next Review	June 2024

**The policy is available on the Association's website. Customers will be provided with a copy of this policy on request. We will provide this policy in specific formats as requested, i.e., tape, Braille or another language.**

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## Linked Policies/Procedures

1.	Openness and Confidentiality
2.	Customer Engagement and Participation Policy
3.	Common Allocation Policy
4.	Neighbourhood Management Policy
5.	Data Protection Policy (GDPR)

### 1. Vision and values

#### **Wellhouse – the Place to Be.**

This simple statement is our vision of Wellhouse as an attractive place where people feel happy and safe, benefit from having a good home and an attractive environment and feel proud to be part of a vibrant community.

We believe that our values of **Trust, Honesty, Integrity, Excellence, Accountability and Sustainability** supported by a comprehensive policy framework will help make our vision a reality.

### 2. Governance

Wellhouse HA is a community controlled Registered Social Landlord and is managed by a group of local people who are elected onto the Management Committee. We may co-opt other people onto the Management Committee from time to time where we feel we need specialist support. Their role is to make sure that the Association is well run, meets the needs of the local area and is responsive to what is important to local people.

The Management Committee appoints senior staff, agrees all the Association's policies and takes all the key decisions. The Director and the senior team support the Committee in these responsibilities.

### 3. Policy Aims

- Ensure tenants are fully informed about their obligations and responsibilities and those of the Association and provide clear guidelines for tenants and staff alike.
- Make it easy for tenants and residents to report problems and create a culture in which they are willing to approach the Association as they feel confident of an effective response.
- Deal promptly, consistently and effectively with complaints and keep complainants fully informed throughout.

- Work positively in partnership with Police Scotland, Community Safety Glasgow and other agencies who can assist in dealing with neighbour disputes and anti-social behaviour.
- Respond to neighbour disputes in such a way as to prevent them escalating into something more serious and where appropriate encourage mediation and communication between disputing parties.
- Maintain confidentiality regarding the source of complaints, unless the complainant specifically gives permission for their identity to be revealed.
- Ensure all relevant staff are appropriately trained to deal effectively with neighbour disputes and anti-social behaviour.
- Maintain effective communication between all parties involved and adequate recording of all communications and actions taken.
- Maximise tenants' satisfaction with the way in which complaints are handled

#### **4. Equal Opportunities and Human Rights Statement**

We aim to ensure that all services, including the delivery of this policy, provide equality of opportunity.

We will respond to the different needs and service requirements of individuals. We will not discriminate against any individual for any reason, including age, disability, gender re-assignment, marriage, civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation, or other status.

#### **5. Scottish Housing Charter**

The Scottish Government's Social Housing Charter came into force in April 2012 and was reviewed in 2019. The Charter sets out the standards and outcomes that Registered Social Landlords should achieve.

There are 3 outcomes under the Charter that are especially relevant to our Anti-Social Behaviour policy, these are:

##### **Outcome 1: Equalities**

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

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

## **Outcome 6: Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes**

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.

## **Outcome11 Tenancy Sustainment**

Social Landlords ensure that:

- Tenants get the information they need on how to obtain support to remain in their homes and ensure suitable support is available, including services provided directly by the landlord and other organisations.

## **6. Legislation**

The following legislation is relevant to this policy:

- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2010
- Housing (Scotland) Act 2014
- Anti-Social Behaviour (Scotland) Act 2004
- Misuse of Drugs Act 1971

## **7. The Policy**

### **7.1 Introduction**

Wellhouse Housing Association (WHA) believes that all residents have the right to the peaceful enjoyment of their home and must equally have respect for the rights of their neighbours. The Association is committed to preventing anti-social behaviour in its area and ensuring that any issues that do arise are dealt with swiftly, fairly and consistently. This document sets out how the Association will respond both proactively and reactively to deter and resolve incidences of anti-social behaviour and neighbour disputes that occur within its area of operation, i.e., its properties, common spaces and surrounding environment. It lays down the level of responses available to WHA and its partners, who effectively deal with anti-social behaviour in order to provide safe neighbourhoods and sustainable communities. It also seeks to clarify WHA's responsibilities as a landlord, in such situations and the limitations on the role it can play.

### **7.2 Definition**

WHA acknowledges that anti-social behaviour can range from noisy neighbours, uncontrolled pets or drug use, through to vandalism, serious assault and drug-dealing.

For the purposes of this document, anti-social behaviour is defined in accordance with the statutory definition contained at Section 143 of the Antisocial Behaviour etc. (Scotland) Act 2004, which states that

**‘a person is involved in antisocial behaviour if they:-**

- (i) act in a manner that causes or is likely to cause alarm or distress; or
- (ii) pursue 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 as them

**In the definition given in the Act,**

- (i) ‘conduct’ would include speech, and
- (ii) a course of conduct’ must involve conduct on at least two occasions.

These legal definitions will be used to inform the categorisation and investigation of anti-social behaviour and guide the decision-making process in terms of deciding when it is appropriate for legal action to be instigated.

### **7.3 Prevention**

WHA staff must ensure that appropriate action is taken at the outset of any tenancy to prevent neighbour disputes or anti-social behaviour from arising, including: -

- clear discussion on the content of the tenancy agreement and promotion of the good neighbour agreement at the sign-up stage to clarify the tenant’s/Association’s responsibilities, grounds for repossession etc.
- A Settling-in visit, posted or telephone survey to all new tenants being carried out by a member of the Property Services staff, within six weeks of the date of entry, to discuss tenancy responsibilities and highlight any potential neighbour issues.
- Suspending applicants on the Association’s waiting list who adopt threatening, violent or abusive behaviour towards any resident, visitors, employees of the Association, including agents or contractors and Committee Members until any issues are satisfactorily resolved.
- Consideration of housing mix and sensitive letting when allocating properties to prevent potential lifestyle clashes.
- WHA will work positively in partnership with Glasgow City Councils Community Relations Unit (CRU) and Police Scotland who have expressed a strong commitment to this joint policy initiative. This will enable WHA to access additional support for staff and tenants which may include one to one meetings, close meetings, signing Antisocial Behaviour Contracts and provision of mediation services, through to providing case notes for legal action. They may also support us via a range of measures to assist in gathering evidence e.g., professional witnesses, CCTV, video cameras and noise monitoring equipment.

- WHA's approach to the prevention and management of anti-social behaviour is also integrated with our management of allocations, estates and void properties, as this positively contributes to sustainable communities.

#### **7.4 Complaint Categories**

WHA recognises that there are different categories of complaints ranging from lifestyle clashes, conflict between neighbours, breaches of tenancy and serious antisocial behaviour. An important element of classifying complaints is to help establish where the primary responsibility for action lies. This should ensure that complaints are dealt with effectively and with the most efficient use of all available resources of time, expertise and cost.

WHA will therefore adopt the under-noted definitions. Categories A, B and C are widely used by other RSL's and also by the Community Relations Unit.

##### **(i) Category A: Serious Anti-Social Behaviour**

Complaints classified under this category are conviction(s) of drug dealing, criminal behaviour involving serious incidents of violence, or threats of violence towards any member of the public including members of staff, serious assault, serious harassment, racial harassment, incidents of sectarian abuse and serious damage to property.

Such complaints are not primarily housing matters, particularly where they involve clear breaches of criminal law. The Association recognises its limitations in dealing with criminal related complaints and may therefore refer such complaints to more appropriate agencies and liaise with them accordingly to effect appropriate actions.

##### **(ii) Category B: Complex Neighbour Disputes**

Complaints classified under this category are aggressive/abusive behaviour, frequent disturbance, vandalism, drug/alcohol abuse, verbal/written harassment and frequent and persistent noise.

The Association will generally be involved directly, but will also work with other agencies as required, such as Environmental Health, Social Work, Community Relations Unit Noise Team, etc.

##### **(iii) Category C: Minor Breaches of Tenancy Obligations**

Complaints classified under this category are minor breaches of tenancy and can include initial noise complaints and one-off parties, personal drug use causing minor nuisance such as smells in common close and repeat breaches of tenancy obligations (See Neighbourhood Management Policy) such as persistent dog fouling and misuse of common areas.

#### **7.5 Timescales for Responding to and Closing Complaints**

Complaints received which are deemed to fall under Category A will be responded to within 1 working day. Category B and C complaints will be responded to within 5 working days.

WHA will aim to close Category A cases within 5 working days. Category B and C cases within 20 working days, dependent on whether the Association is required to carry out further investigation in relation to that complaint.

## **8. Responding to Complaints of Anti-Social Behaviour**

WHA will respond efficiently and effectively to all reported incidences of neighbour disputes and anti-social behaviour. A range of measures may be used, dependent on the category of complaint and appropriate response. Some of the measures available to the Association's staff is detailed within section 9 of this policy.

- It is not intended that every incident will be subject to the full complement of standard letters, warnings and joint agency protocols, through to court procedures and eviction, which will always be a last resort. Each case will be considered fully and specific measures used appropriately
- All reported incidences of neighbour disputes or anti-social behaviour will be recorded and all parties kept informed in writing of all action undertaken
- The Association's staff will handle all investigations sensitively to ensure the identity of witnesses is protected as far as possible
- All complainants will be encouraged to report complaints to the Police, Noise Team, Environmental Health, or other external agencies, where appropriate and staff will strive to facilitate a relationship between the parties to resolve the situation
- WHA appreciates people have differing lifestyles and perceptions and there are some issues that we will not investigate as anti-social behaviour. Examples given by the Community Relations Unit include, but are not limited to the following:
  - (i) Heavy footfall.
  - (ii) Banging of doors
  - (iii) Noise relating to children playing.
  - (iv) Incidents where no details are provided of who is involved

## **9. Non-Legal and Legal Action**

WHA's aim is to resolve complaints as quickly and effectively as possible, whether directly or in liaison with other agencies. All disputes should initially be dealt with using measures other than legal action, such as:

- Non-Legal - Home visits, interviews with tenants in the office or close meetings, letters to all parties involved, tenants being recharged for any damage incurred, through to applications for rehousing being suspended until issues have been



satisfactorily resolved. We will also offer mediation services, issue Acceptable Behaviour Contracts or Unacceptable Behaviour Notices in liaison with Police Scotland or Community Safety Glasgow

- Legal - Issue a Notice of Proceedings for Recovery of Possession, which would advise of the start of the legal process. We may seek an Interdict, Anti-social Behaviour Order (ASBO), Conversion of the Scottish Secure Tenancy to a Short Scottish Secure Tenancy, (where an ASBO has been granted), or Eviction which would be a last resort
- WHA will only resort to legal action when all other options have been exhausted, or are deemed inappropriate.

## **10. Monitoring and Reporting**

The outcome of investigations and all action taken by WHA will be recorded and monitored.

- WHA participates in benchmarking with other members of Easterhouse Housing and Regeneration Alliance (EHRA), via regular meetings and discussions. The Association is also a member of the Scottish Housing Network (SHN) and participates in benchmarking returns and practice exchange forums and related training, to ensure we adhere to good practice and continually assess our own policies and procedures against other housing providers.
- The role of Committee in relation to neighbour disputes and anti-social behaviour will be restricted to:-
  - (i) agreeing and reviewing the policy and related procedures
  - (ii) monitoring outcomes of the policy and procedures through reports
  - (iii) considering reports on complaints via the complaints process
- Any reports to Committee will be in a form where confidentiality and anonymity of complainants or those who are the subject of the complaint is retained.
- The number of cases reported and closed will be included in our published Key Performance Indicators (KPI) Report each quarter

## **11. Consultation**

We aim to deliver excellent services, which respond to local needs and reflect what is most important to our customers.

To do that we need our customers to tell us how well our policy is working and help us to make the changes which will improve it. In line with our Customer Engagement and Participation Policy:

- We make it easy for customers to give us their comments and views - face to face, by telephone, e-mail, on line or in a letter.
- We commission formal independent tenant satisfaction surveys on a continuous monitoring basis carried out every three months.
- We consult our Customer Opinion Panel
- We publish the targets we set
- We publish how we have performed against those targets

We use customer feedback to review our policies and talk to customers about the changes we are making.

## **12. Complaints**

We have a separate complaints policy and procedure. Leaflets and copies of the complaints procedure are available from the Association's office and on our website. We also provide information on how our customers can make a complaint to the Scottish Public Services Ombudsman (4 Melville Street, Edinburgh EH3 7NS, telephone, 0800 377 7300) and how to contact the Scottish Housing Regulator.

The Ombudsman will not normally deal with complaints unless customers have followed the Association's complaints' procedure

## **13. Review timeframe**

The policy will be reviewed every three years, or sooner, in response to a change in legislation or circumstance.

## **14. General Data Protection Regulations**

The organisation will treat personal data in line with our obligations under the current data protection regulations and our own GDPR Policy. Information regarding how data will be used and the basis for processing data is provided in Wellhouse HA's privacy notice.