



# **Anti-Social Behaviour Policy 2022**

**Approved: November 22**  
**Review Date: November 25**

**If you have difficulty with sight, or if you require a translated copy of this policy, we would be pleased to provide the information in a form that suits your needs.**

## 1. INTRODUCTION

This Antisocial Behaviour (ASB) Policy was developed in consultation with tenants, staff, and Board members. This policy explains our approach to tackling reports of anti-social behaviour.

Govanhill Housing Association (GhHA) recognises our tenants right to a safe, secure, and peaceful environment.

This policy details how GhHA will respond to neighbour complaints and incidents of ASB. We recognise that antisocial behaviour is not just a housing management issue, and we will work with external agencies where this helps to resolve issues.

GhHA offer tenancies to people with many different housing and social needs. We ask our tenants to show consideration and tolerance to their neighbours and act responsibly within their community. This policy applies where GhHA tenants or members of their family or visitors to their households are behaving antisocially.

## 2.0 THE LEGAL AND REGULATORY FRAMEWORK

This policy has been developed within a framework that ensures proper compliance with legislation, regulatory advice, and good practice. The main legislative provisions relating to the policy are:

- Housing (Scotland) Act 2014
- Housing (Scotland) Act 2010.
- Antisocial Behaviour etc (Scotland) Act 2004.
- Housing (Scotland) Act 2001.
- Equality Act 2010.
- Data Protection Act 2018.
- Human Rights Act 1998.

The Antisocial Behaviour etc. (Scotland) Act 2004 defines ASB as “...to act in a way that causes or is likely to cause alarm or distress to anyone; or behave in a way that causes or is likely to cause alarm or distress to at least one person not of the same household as them.”

The legislation does not provide a comprehensive list, but suggest the following could be classed as antisocial:

- Noise pollution.
- Vandalism and graffiti.
- Intimidation and harassment.
- Racial harassment and other hate behaviours that target members of identified groups because of their perceived differences.
- Using our properties to grow or sell drugs or for any other illegal purpose

### 2.1.1 The Scottish Social Housing Charter (the Charter)

**Good practice standards are contained in the Charter and there is one outcome that is specific to ASB.**

*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”.*

This outcome covers a range of actions that social landlords can take on their own and in partnership with others. It covers action to enforce tenancy conditions on estate management and neighbour nuisance, to resolve neighbour disputes, and to arrange or provide tenancy support where this is needed. It also covers the role of landlords in working with others to tackle anti-social behaviour.

### **2.1.2 Scottish Secure Tenancy (SST)**

The SST, chapter 3 “Respect for Others” makes clear what is expected of tenants and give examples of what tenants must not do. This policy covers breaches of SST only and any action taking is in line with legislation.

*You, those living with you, and your visitors, must not harass or act in an antisocial manner to, or pursue a course of anti-social conduct against, any person in the neighbourhood. Such people include residents, visitors, our employees, agents, and contractors and those in your house.*

### **2.1.3 Joint Working between HSCP and RSL’s**

This policy also reflects Govanhill Housing Association’s commitment to, tackling anti-social behaviour in line with the Sustaining Tenancies and Preventing Homelessness Statement of Best Practice for Joint Working between Glasgow Health and Social Care Partnership and Registered Social Landlords. In relation to anti-social behaviour this statement sets out that:

RSLs will take all appropriate steps to assist and ensure that tenants adhere to their conditions of tenancy and follow their policies on anti-social behaviour.

RSLs are committed to ensuring that appropriate support and advice is available to tenants to assist them in conducting their tenancy in an appropriate manner. Where steps agreed with a tenant are not adhered to RSLs will ensure that appropriate intervention takes place to assist the tenant wherever possible prior to taking any legal action as outlined below. This can involve Community Safety Glasgow, Police Scotland and appropriate HSCP staff and voluntary sector projects.

Where all possible measures have been exhausted, steps will be taken in accordance with RSLs Policies and Procedures.

Best practice in relation to anti-social behaviour will be governed by the principle that the best means of improving quality of life is to stop the behaviour if possible

### 3.0 PRINCIPLES AND SCOPE OF POLICY

Our policy and procedures are clear and transparent on how GhHA will deal with complaints of ASB and details the responsibility of GhHA our tenants and factored owners.

We shall respond promptly and appropriately to neighbour complaints and incidents of ASB with legal action as a last resort.

We will provide advice and sign posting to other owners on actions they may wish to take or as an owner be expected to take.

We recognise that ASB is not just a housing management issue and will work with external agencies where this helps to resolve problems. We shall, however, take firm action against tenants who persistently commit serious breaches of tenancy conditions.

ASB can be difficult to define. It can involve incidents from minor nuisances, noise and neighbour disputes which can escalate into anti-social behaviour through to serious violence or intimidation.

We understand people have differing lifestyles and perception and there are some issues which we will NOT accept or investigate as anti-social behaviour. Examples include, but are not limited to the following:

- Noise from vehicles in the street or from business addresses
- Door banging or people walking across floors or going up and down stairs
- Noise from washing machines, vacuum cleaners, mowers between 9am – 9pm
- Parking disputes
- Children playing or falling out/noise from games
- Problems with the behaviour of staff from other agencies e.g., Glasgow City Council

### 4.0 OBJECTIVES

Be proactive in fulfilling our legal obligations as a landlord. This will include ensuring that tenants meet the legal obligations set out in their tenancy agreement. Provide good quality information to promote good tenancy relations.

Treat all complainants with respect and confidentially and offer support, throughout the complaints process. Provide support and assistance to the victims of ASB.

Work proactively with other agencies, and other organisations taking a multi-agency approach to tackling anti-social behaviour.

Give clear guidelines to staff, supported by written procedures, on how to deal effectively with reports or incidents of anti-social behaviour or harassment. Ensure staff are fully trained and supported so that they have the appropriate skills and time to deal with issues that arise

That all tenants feel confident and able to report problems of neighbour nuisance and anti-social behaviour and understand remedies available to address problems.

Ensure tenants fulfil their legal obligations in relation to their tenancy agreement.

Respond quickly to complaints in an effective, sensitive, and consistent manner by undertaking thorough investigations, ensuring accurate record keeping and keeping complainants informed of progress.

Advise tenants of the actions they can take in response to ASB.

Encourage mediation and communication to tackle problems early and effectively and to minimise the risk of escalation.

Monitoring and reviewing incidents of ASB identifying trends and intervening. as appropriate.

## 5.0 OUR APPROACH: PREVENTION, PARTNERSHIP WORKING AND ENFORCEMENT

GhHA aims to build sustainable communities and will be proactive in taking a range of prevention, intervention, and enforcement measures to combat nuisance and ASB.

### 5.1.1 Prevention

We will do all we can to minimise the occurrence or potential for ASB by being very clear on expectations and responsibilities for both GhHA and our tenants.

We will:

Carry out pre-tenancy checks before arranging sign-up of new tenants.

Advise all new tenants of their responsibilities and promote being a good neighbour.

Visit every new tenant within the first six weeks of their new tenancy.

Undertake regular estate inspections, identifying any security or vandalism issues, graffiti, etc.

Provide a responsive maintenance service which responds quickly to reports of graffiti, fly tipping damage to property e.g., smashed windows.

Signpost vulnerable tenant's (both alleged perpetrator and victim) for appropriate tenancy support.

Work with key partners (See Partnership working below) to ensure a joined-up approach to tackling ASB "hot spots".

Raise awareness on how to minimise ASB through our newsletter, website, and tenant handbook.

#### 5.1.2 Partnership working

The Glasgow City-wide approach to tackling anti-social behaviour recognises that effective responses to anti-social behaviour will include preventive and diversionary measures as well as work with perpetrators to support and sustain changes in behaviour.

There are several organisations, both statutory and voluntary, which may be able to prevent complaints from recurring or escalating or may be able to resolve complaints through direct intervention. Organisations that may assist in resolving anti-social complaints include:

- Police Scotland.
- Community Relations Unit (CRU). CRU provides comprehensive mediation services to all social landlords, their tenants, and residents involved in disputes.
- Glasgow City Council services, including Environmental or Cleansing Services, Social Work Services or Community Justice Services.
- Other appropriate Health and Social Care Partnership staff.
- Scottish Fire & Rescue Service.

The Police, Social Work Services, and other services may be involved in resolving anti-social behaviour complaints depending on the type of complaint. Voluntary agencies, such as Victim Support Scotland, may also be usefully involved where they provide support, information, and advice to people who are affected by anti-social behaviour.

Health & Social Care Partnership and other external support services e.g., Shelter, Women's Aid, Lesbian, Gay, Bisexual and Transgender organisations.

Registered Tenant Organisations and other community groups.

#### 5.1.3 Health Issues

It is possible for individuals to display ASB due to health conditions. Where an individual has, or is suspected of having such a condition, advice will be sought from experts in the area on available support. This will be done in line with GDPR

legislation. This does not preclude action being taken but the wider circumstances and support being made available will be fully considered. Decisions will be taken on a case-by-case basis.

#### 5.1.4 Enforcement

We encourage tenants to be tolerant and mindful of neighbours and encourage them to try and resolve differences with one another in the first instance.

We will ask neighbours in the first instance to discuss issues directly with their neighbour to solve the problem in a friendly way.

We will provide as much support and assistance as possible to any tenant experiencing anti-social behaviour. Before investigating a case of anti-social behaviour, we will look to ensure the tenant has:

- Considered whether their neighbour's different lifestyle really is unreasonable
- Talked to their neighbour
- Listened to their neighbour's point of view

If the problem persists following the aforementioned steps or tenants are worried about approaching their neighbour directly, then GhHA will look to get involved.

Tenants will be expected to report all issues of a criminal nature directly to the Police at the time of the incident.

#### 5.1.5 Toolkit

Depending on the circumstances and the nature of the ASB the following forms part of our "tool kit":

Referral to Mediation – Individual, and shuttle mediation.

Meetings/Verbal/written warnings – Formal recordings will be made of all interactions to ensure evidence is gathered to support any legal action.

**Acceptable Behaviour Contracts (ABC):** This is a voluntary agreement between the person who is behaving anti-socially and any other relevant people (for example, us as the landlord, the police, or social workers). The aim of the ABC will be to help the person who is behaving anti-socially to understand how it affects other people and to stop behaving in that way.

**Unacceptable Behaviour Contracts (UBN):** These are used where a person refuses to sign an ABC and allows the Association to act. These contracts are usually counter signed by Police Scotland.

**Anti-Social Behaviour Orders**, in conjunction with Police Scotland and Glasgow City Council: Sheriffs can now grant an ASBO or interim ASBO against an individual aged

12 or over who is repeatedly involved in anti-social behaviour and where existing options are not working. Interim ASBOs can be made before the full evidence is heard if there is a pressing need to protect people. We will contact the Health & Social Care Partnership where there is an intention to seek an ASBO or interim ASBO.

**Interdicts** – Where appropriate we will liaise with Police and our solicitors

**Short Scottish Secure Tenancies (SSST)** - for new tenants or to convert an existing tenancy to a SSST where an existing tenant has acted in an antisocial manner within the last three years. The Housing Scotland Act 2014 empowers RSL's to convert a Secure Tenancy into a Short Scottish Secure Tenant with the provision of appropriate support. If we are planning to convert a current tenancy into a Short Scottish Secure Tenancy because of anti-social behaviour we will seek to arrange a joint discussion between ourselves, our tenant, an appropriate representative of the HSCP and other appropriate services. We will make our tenant aware that they have a right to be accompanied by an independent advocate.

The purpose of the Joint Discussion is to discuss the problem, explain to the tenant the seriousness of the problem and to develop a plan of action to prevent eviction and deal with the anti-social behaviour. The Joint Discussion will also examine the impact that any proposed eviction or ASBO would have on children or other vulnerable family members.

If the arrangements put in place following a Joint Discussion breakdown, we will notify the HSCP at the earliest opportunity.

**Tenancy-related legal action:** We will work with tenants to support and sustain their tenancy but in extreme cases we may need to act which results in a tenant losing their home. In cases of conviction for serious criminal activity in or around the tenancy location, we will seek to bring the tenancy to an end except in exceptional circumstances. We will also contact the HSCP where there is an intention to take legal steps to evict.

#### 5.1.6 Low level or non-corroborated complaints

There are some situations and behaviours which do not constitute ASB and there is very little we can do to resolve these issues. Some issues simply result from the differences in the way that people lead their lives. Examples include:

- A neighbour using a washing machine early in the evening.
- The sound of a neighbour moving around their house in the flat above.
- Children playing in an appropriate manner and at a reasonable time.

We also recognise that, in some circumstances, there may be limits on what GhHA can do to resolve alleged ASB. Examples include where:

- There is no evidence or corroboration to support the claims.
- An investigation concludes that there was no evidence of ASB or breach of tenancy.



- It is a one-on-one neighbour dispute

Where a neighbour dispute is deemed to be a “clash of personalities or lifestyles” and may be remedied by one party moving a housing transfer will be considered.

#### 5.1.7 Neighbour disputes involving owners or people renting from a private landlord

Anti-social behaviour may involve our tenants but could also involve people who own their home or who are renting from a private landlord. We treat complaints from or about owners and those renting in the private sector seriously and give advice and act where we can. We will work with other agencies, including the Police if appropriate, to try and resolve any problem. There are some occasions, however, when we may not have the powers to take further action.

### 6.0 TARGETS FOR RESOLVING COMPLAINTS

We aim to resolve complaints about anti-social behaviour as quickly as possible. We will try to resolve them at an early stage to avoid them escalating into more serious problems.

There are different types of anti-social behaviour and the speed with which we will act may depend on the severity of the reported behaviour.

**Category A Complaints** - these are very serious complaints e.g., hate crimes, serious harassment, damage to our property, threats of violence etc (Please note if the complaint is subject to court action – then the legal process may dictate the timescale to fully resolve the complaints.)

**Category B Complaints** Frequent disturbance, vandalism, graffiti to property, verbal harassment,

**Category C Complaints** These are more neighbour nuisance complaints, infrequent disturbance, noise complaints, behaviour of visitors or children, pet nuisance, family dispute affecting neighbours, fly tipping, persistent littering

We have set out in the table below the performance targets for each category of complaint. In cases where we have raised court action to recover the tenancy closure. In these cases, resolution may depend on the timescales of the Sheriff Court.

Action	Category A	Category B	Category C
Contact complainant	24 hours *	2 working days	3 working days
Interview alleged offender	48 hours*	2 working days	5 working days
Case closed/resolution	3 working days***	4 working days***	5 working days***

We define resolved as meaning; action has been taken to address the cause of ASB in line with our policy and the complainant has been advised either verbally or by letter/email of the outcome.

\*24 or 48 hours from when the office reopens if reported on-line after working hours or at the weekend

## 7.0 SOCIAL MEDIA

Unfortunately, some people use social media for making offensive and/or inappropriate comments. Unpleasant or offensive comments directed at tenants on social media sites will not be dealt with by GhHA, unless there is a criminal offence, where Police Scotland has been involved.

A criminal offence may include threats to kill, threats to cause damage, criminal conduct amounting to harassment and comments that incite racial hatred and violence. For general unpleasant or inappropriate posts, in the first instance, tenants will be advised to contact the social media site on which the comments have been made and ask for their assistance. If they believe they have been libelled to the extent that they wish to take legal action, they will be advised to obtain their own legal advice

## 8.0 DOMESTIC CCTV CAMERAS

GhHA recognises that some of our tenants may feel more secure if they install external CCTV to deter crime or if they have been experiencing problems of ASB. These devices are becoming increasingly popular and varied e.g., doorbell cameras

In contrast we also recognise that some tenants may find the installation of a CCTV camera on their neighbour's home a breach of their privacy. Tenants who wish to install a CCTV device, where this is attached to the structure of the building, should apply for permission in writing before installation, clearly stating the reasons for the request.

Tenants seeking to install domestic CCTV and those with concerns in relation to the use of CCTV will be issued with GhHA's leaflet on CCTV and advised to read the Information Commissioner's website for guidance on the Code of Practice on domestic CCTV.

## 9.0 MONITORING AND REPORTING

GhHA has a statutory duty to complete the Annual Return on the Charter (ARC) to the Scottish Housing Regulator. This provides key information on our performance in resolving ASB complaints. This includes:

- Number of cases reported within the year.
- Number of cases resolved within the year.
- Number of cases resolved within the locally agreed targets.
- Percentage of ASB cases reported which were resolved within the locally agreed targets.
- No of conversion to SSST
- No of evictions where the primary reason was ASB

ARC information is reviewed by our committee, and we also report this performance information to our tenants via our newsletter and on our website.

We also provide performance monitoring information to GhHA's Tenancy Services Sub Committee (as per the committee cycle), and we will provide updates to tenants through newsletters and on our website.

We have introduced a tenant feedback form and we will provide annual reporting information to the Tenancy Services Sub Committee as well as to our tenants via our newsletter.

## 10.0 MANAGING ANTI-SOCIAL BEHAVIOUR IN OUR LEASED PROPERTIES

We have a number of properties that are leased to other agencies such as Glasgow City Council and these properties are used by these agencies to provide temporary accommodation for a number of different reasons. In order to manage these situations promptly and effectively we will escalate complaints in the following manner:

- Maintain regular contact and good working relationships with agencies who lease our properties
- Ensure that incidents reported to us are reported to the appropriate agency
- Escalate to a Senior Housing Officer if the nuisance continues
- Issue a letter to the agency concerned outlining incidents and our concerns
- Serve notice on the agency to vacate if complaints continue

## 11.0 COMMITTEE MEMBERS AND ANTI-SOCIAL BEHAVIOUR

As Committee members may be tenants, they will be treated in the same manner any tenant of the Association would be. Any Committee member found to be the preparator of ASB complaints will also therefore be in breach of the Code of Conduct for governing body members.

If a committee members is found to be the preparator of ASB the matter will be passed to Committee to discuss and an invite to resignation may be asked.

## 12.0 COMPLAINTS AND APPEALS

GhHA welcomes complaints and positive feedback, both of which provide information which helps us to improve our services. We use a complaints handling procedure (CHP) developed by the Scottish Public Services Ombudsman (SPSO) and the Scottish Housing Regulator.

The CHP allows for most complaints to be resolved by front line staff within a five-day limit (first stage), or if the complaint is complex, a detailed investigation will be co-ordinated by our Information Office within a 20-day limit (second stage) and reviewed by Head of Service prior to issue. At the end of the second stage if the customer remains dissatisfied, they can refer the matter to the SPSO.

## 13.0 POLICY AVAILABILITY

This policy can be made available in several other languages and other formats on request. We employ staff who speak several community languages. You can speak to them about any aspect of our services. Please contact our switchboard on 0141 636 3636 for details. We will also use external interpreters to assist us with other language requirements that we cannot meet in-house.

