



Bridgewater Housing Association Policy	
Policy name	Anti Social Behaviour Policy
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Equalities impact assessment required	Yes
Links to other documents	HS12 Common Allocations Policy HS05 Estate Management Policy CS46 Unacceptable Behaviour Policy CS31 Customer Service Standards HS16 Customer Engagement Strategy
Consultation	Yes

This policy is available to the public on the Association’s website. Copies are also available on request and free of charge from the Association. This policy can also be provided in large print, braille, audio or other non-written format and in a variety of languages, on request.

1 INTRODUCTION & AIMS

1.1 This policy describes Bridgewater Housing Association's approach to dealing with antisocial behaviour and will outline the way in which complaints are dealt with taking account of current legislative provisions for dealing with antisocial behaviour and neighbour nuisance. We believe that all tenants have the right to live peacefully in their homes, and we take the issue of unacceptable and antisocial behaviour very seriously.

1.2 We recognise the harmful effect that Antisocial Behaviour (ASB) can have upon tenants and residents' lives and will act consistently, effectively and proportionately to address causes of ASB within its neighbourhoods, while supporting victims and witnesses.

1.3 To achieve this, we will:

- Take effective action to assist those who are affected or who are victims of ASB.
- Minimise the impact of ASB through support for victims and witnesses, and by involving and empowering affected communities
- Support victims and witnesses of ASB and in appropriate circumstances extend support to perpetrators to positively influence behaviour and sustain tenancies.
- Provide tenants with the necessary support or help them obtain the necessary support and assistance they require to establish and maintain their tenancies.
- Work preventatively to reduce ASB at the beginning of tenancies through the promotion of the Tenancy Agreement and new tenant's visits and in appropriate circumstances the provision of Short Scottish Secure Tenancies.
- Help prevent ASB through education, community initiatives, and prevention measures
- Investigate all reported incidents of ASB in accordance within locally agreed target timescales, taking effective and proportionate action, including legal remedies, where alternative interventions have proven unsuccessful.
- Practice early intervention to prevent situations escalating and where appropriate, the use of alternative approaches to conflict resolution, such as mediation and referrals for support.
- Maintain accurate records relating to ASB and monitor case progress and outcomes, and regularly review our anti-social processes, learning from our experiences and customer feedback.
- Provide tenants with clear information about what we can do in response to a complaint or dispute and to make information available regarding the assistance that can be provided by our partners such as Renfrewshire Council, the Police and other agencies and support organisations.
- Recognise the importance of effective communication and keep complainants informed of progress and actions arising throughout the duration of their complaint.

1.4 Policy Statement on Drug Misuse

1.4.1 The Association recognises that the misuse of drugs can have a serious effect on those who misuse them, their families and their surrounding communities. Involvement with drugs can often have a direct link to ASB, particularly where the supply or sale of drugs is taking place.

- 1.4.2 While each case will be considered on its merits, the Association will normally seek eviction in cases where its tenants, members of their household or visitors to their home have been convicted of the sale or supply of drugs to others in their communities. This will include the cultivation of illegal substances from within our property or the surrounding area.
- 1.4.3 Convictions for the possession of drugs for personal use will not normally result in the Association seeking eviction unless there are other aspects of ASB involved, such as nuisance to neighbours, damage to property, etc. Our approach in each case will be made in conjunction with legal advice regarding opportunities for an eviction decree being granted.

2 SCOPE AND PRINCIPLES

- 2.1 Bridgwater Housing Association is committed to ensuring that its homes and communities are pleasant and secure places to live. The Association recognises the rights of its tenants and their neighbours to peaceful enjoyment of their homes. The Association expects its tenants to respect the values and lifestyles of others within the community and to act reasonably and with consideration for others.
- 2.2 We will ensure that staff, board members and tenants are consulted on this policy document. In addition, we will ensure that staff are provided with appropriate training on this policy.

3. LEGAL AND REGULATORY REQUIREMENTS

- 3.1 The Anti-social Behaviour Policy meets with legislative and good practice requirements including:
- The Scottish Secure Tenancy (SST)
 - Housing (Scotland) Acts 2001, 2010 & 2014
 - Misuse of Drugs Act 1971
 - Crime and Disorder Act 1998
 - Human Rights Act 1998
 - Anti-social Behaviour etc. (Scotland) Act 2004.
 - Equality Act 2010
 - Children (Scotland) Act 1995
 - General Data Protection Regulation 2018
- 3.2 The ASB Policy complies with the following regulatory requirements contained in the Social Housing Charter:

Outcome 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.”

Outcome 6 - Estate management, antisocial 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."

Outcome 11 - Tenancy sustainment

Social landlords ensure that: "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."

- 3.3 Our tenancy agreement also confirms the contractual responsibilities and rights in the case of antisocial behaviour by our tenant. The relevant section is: Section 3: Respect for others

4 DEFINITION OF ANTI-SOCIAL BEHAVIOUR

- 4.1 ASB can manifest itself in many ways, often depending on local circumstances, and can range from a minor irritation to serious criminal activity. In practice, ASB covers a wide range of actions and behaviour including, **but not limited to**, the following:

- Harassment and intimidating behaviour
- Behaviour that creates alarm, distress or fear
- Noisy neighbours
- Drunken and abusive behaviour
- Vandalism, graffiti and other deliberate damage to property
- Use or sale of drugs or other substances.

- 4.2 Relatively minor breaches of the Association's Tenancy Agreement, such as failure to maintain garden areas satisfactorily, will not normally be classed as anti-social behaviour but will be dealt with under the Association's Estate Management Procedures.

- 4.3 Section 3, paragraph 3.1 of the Scottish Secure Tenancy states:

'You, those living with you, and your visitors, must not harass or act in an anti-social manner to 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.'

- 4.4 The Anti-social Behaviour (Scotland) Act 2004 defines ASB in the following terms:

"A person engages in anti-social behaviour if they act in a manner or pursue a course of conduct that causes or is likely to cause alarm or distress. This must be to at least one person who is not a member of their own household."

Conduct includes speech and to be a course of conduct it must happen on at least two occasions.

The general range and scope of ASB can range from relatively minor disputes involving noise and lifestyle clashes to serious and extreme cases including drug dealing, serious harassment, racial abuse and violence.

4.5 We recognise that behaviour which may be upsetting and cause offence to one individual may not be a problem to someone else. We will consider all allegations of anti-social behaviour based on the merits and context of each case. However, the legal definition of anti-social behaviour forms the basis of our efforts to manage it.

4.6 For the purposes of taking action on the grounds that the tenancy conditions have been broken, it will be necessary to establish that the behaviour can be attributed to the tenant, a member of the tenant's household, a lodger, sub-tenant or a visitor.

5. REDUCING CONFLICT THROUGH PREVENTATIVE MEASURES

5.1 Association Responsibilities

Our tenants are entitled to live in their homes free of harassment, fear and disruption from others. We believe that reducing opportunities of conflict and neighbour disputes is best achieved through prevention and early intervention. We will not simply react to problems but will also be pro-active to prevent them from occurring. This includes:

- The design of new developments informed by need to prevent nuisance and anti-social behaviour problems;
- Use of CCTV cameras;
- Promoting awareness of neighbour nuisance and anti-social behaviour and ways of addressing it;
- Housing applications may be suspended where evidence exists of an anti-social behaviour problem and a warning has been issued;
- The sign-up and settling in visit reinforcing the legal contract between landlord and tenant, explaining how neighbour nuisance and anti-social behaviour is investigated and tackled;
- Information leaflets that provide advice on neighbour nuisance and anti-social behaviour and what the Landlord can do to help;
- When applicable, use Short Secure Tenancies to deal with appropriate cases of anti-social behaviour;
- Remove graffiti quickly and review security provision as part of ongoing maintenance work;
- Gather information to highlight emerging problems and target preventative measures.

5.2 Tenant responsibilities

We make sure that all our existing and prospective tenants are fully aware of their responsibilities and of the action that will be taken against them if they (or anyone for whom they are responsible) behaves in an unacceptable and antisocial manner in their tenancy. We do this at different stages within their tenancy by:

- discussing what is acceptable and unacceptable behaviour and the importance of being a good neighbour at the sign up stage.
- reminding our tenants of their tenancy agreement responsibilities and issuing our tenants' handbook, when available which gives information on how we deal with antisocial behaviour, or pointing to areas on our web site which provides additional information.
- carrying out settling in visits (usually) within six weeks of a new tenancy to discuss any issues and potential areas of conflict with neighbours.

5.3 Allocation of our houses

We aim to achieve settled communities whilst providing access for those in housing need and helping our tenants sustain their tenancies. When allocating tenancies, we recognise that insensitive or inappropriate lets can contribute to potential clashes of lifestyles and neighbour disputes.

We will therefore 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.
- ensure that support arrangements are identified and agreed by working in partnership with organisations and agencies and that, where appropriate, the support is ongoing.
- We may suspend any offers of our houses to applicants, existing and prospective tenants, if we are aware of previous or current substantiated legal action against them or members of their household for antisocial behaviour. In such cases our suspension procedure detailed in our allocation policy will be implemented.

5.4 Managing our homes

We believe that pro-active, consistent and effective management of our homes and the environment helps to reduce opportunities for unacceptable and antisocial behaviour. In managing our homes we:

- have clear guidelines on the responsibilities of tenants in relation to unacceptable and antisocial behaviour.
- have systems to monitor activities and standards in our closes, properties and wider environment and use these to identify our tenants who breach their tenancy responsibilities.
- work in partnership with residents on the management of their estate by attending local group, close and individual meetings where these are available.
- work in partnership with Renfrewshire Council and other organisations to minimise the possibility of conflicts arising from poor service delivery or lack of support.
- have a joint protocol to share information with Police Scotland and meet appropriately to discuss issues impacting on our community.

We also have a zero tolerance to:

- any drug activity involving supply and criminal intent.
- any forms of harassment.
- graffiti and vandalism and have positive and speedy response measures in place.

6. RESPONDING TO ANTISOCIAL BEHAVIOUR

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

6.2 When dealing with unacceptable and antisocial behaviour we recognise that a wide range of solutions and actions are required to tackle the various types of behaviour that exist. Our response needs to be proportionate to the behaviour.

6.3 When complaints are minor we will encourage neighbours to resolve their own problems. However, we accept that in some cases that this approach is not always possible or appropriate. We treat all cases of unacceptable and antisocial behaviour seriously and will ultimately take action against any tenant breaking their tenancy agreement and where there is a realistic chance of a good outcome for everyone

6.4 Good practice in dealing with unacceptable antisocial behaviour

Our staff will:

- respond appropriately to all behaviour complaints in line with our agreed standards, targets and good practice.
- ensure that early action is taken in response to a complaint.
- listen sympathetically to all parties and not pre-judge or make assumptions.
- respect a complainant's wish to remain anonymous and where appropriate, identify alternative methods of providing evidence.
- communicate regularly with complainants to keep them informed of progress.
- advise residents of the direct action they can take in response to antisocial behaviour (for example, call the police and Renfrewshire Community Safety Partnership Noise Enforcement Team or Wardens Service).
- record all complaints and action taken in a clear and confidential manner.
- respond sensitively, fairly and consistently in all cases investigate and evaluate all more serious cases to assess the most appropriate action required.

6.5 Advice and support

We will offer both the complainant and perpetrator advice and support during the complaint process. Our main objectives are that:

- the complainant no longer has to deal with the challenging behaviour and is not disturbed in their tenancy.
- the perpetrator modifies their offending behaviour and gets the support to continue within their tenancy.

6.6 The complainant

When dealing with the complainant we will:

- keep them fully informed of progress with actions taken and expected outcomes.
- where appropriate issue them with a diary to record further incidents of unacceptable behaviour.
- follow up each antisocial complaint to ensure that the problem has been resolved.

6.7 The perpetrator

When dealing with a perpetrator we will:

- respond to issues at an early stage by clearly challenging them about their behaviour and explaining their responsibilities.
- consider using specialist support service to help them to understand and adhere to the tenancy obligations.
- explain the potential actions which may be taken against them and the possible outcomes of such actions.
- make all reasonable attempts to engage with them to improve their behaviour or increase their consideration for their neighbours and other residents.
- continue to liaise with agencies supporting them to make sure that there is an ongoing 'joined-up' approach.
- make sure that any action taken against them is appropriate and proportionate.

6.8 Taking action

As part of our investigations, and with the agreement of the complainant, we will:

- consider the use of mediation to resolve neighbour disputes before further action is taken by staff.
- where mediation fails or is refused, take action against antisocial tenants to include visits, letters and legal action.
- only act where there is proof of unacceptable and antisocial behaviour.

Our investigation will involve:

- collecting evidence from the complainant and other witnesses, including keeping full and accurate records of the complaints, visits, letters and conversations.
- encourage those complaining to sign statements.
- obtain police reports where the police are involved.

In cases where there is reluctance from neighbours to give initial evidence or additional evidence to substantiate an ongoing complaint we may consider the use of professional witnesses.

We will re-charge tenants for any vandalism caused by them, a member of their household or by their visitors. This includes repairs to communal areas and the removal of graffiti.

6.9 Resolution of unacceptable and antisocial behaviour

We will decide on the action taken on a case by case basis. We will consider the nature of the complaint, the history of unacceptable behaviour and our Professional judgment as to what would be an effective solution to the problem.

6.10 Non-legal remedies

Where a complaint has been investigated and substantiated there are a number of non-legal remedies available to us to resolve the situation. These are:

- tenancy warnings - this could either be a verbal, first, second or final warning.
- an acceptable behaviour contract (ABC) - this is where the perpetrator willingly agrees to modify their behaviour by signing a witnessed agreement.
- an unacceptable behaviour contract (UBC) - this is where the perpetrator refuses to willingly sign an agreement and we impose conditions of acceptable behaviour.

6.11 Legal action

Where all other attempts to resolve a serious antisocial behaviour problem have failed, we will take legal action against a tenant who is in breach of their tenancy agreement and if necessary ultimately seek a court order to evict the antisocial tenant.

The legal actions available to us are:

- interim interdicts – a court order requiring the person to stop doing something that is legally wrong.
- action for specific implement – a court order requiring the person to carry out the terms of their tenancy agreement.
- antisocial behaviour orders (ASBO) - a court order issued for individuals over 12 years old who are involved in antisocial behaviour within any given area.
- re-possession of the tenancy (eviction) – an action to re-possess and end the tenancy through eviction under the terms of the tenancy agreement.

When a case reaches the legal action stage, the most suitable course of action will be discussed and agreed with our solicitor who will offer advice on the reasonableness of the action. Legal action will only begin where suitable evidence has been gathered and our solicitor agrees a substantial case has been built.

7. SHORT SCOTTISH SECURE TENANCY

- 7.1 In certain circumstances, we can change a tenancy agreement to a different type of tenancy agreement called a Short Scottish Secure Tenancy (SSST) agreement, which gives fewer rights and less protection from Eviction action than a Scottish secure Tenancy (SST). A SSST is aimed at encouraging tenants, or members of their household who repeatedly engage in anti-social behaviour, to stop the behaviour and sustain their tenancy, by taking away their tenancy rights without the need for court action.

- 7.2 The Housing (Scotland) Act 2014 introduced changes to the use of the short Scottish Secure Tenancy (SST), particularly in relation to anti-social behaviour.
- 7.3 Landlords now have the right to give a short SST to a prospective tenant in cases where the prospective tenant, visitors to their current accommodation, or anyone who is likely to live with them in their new property, has within the last 3 years behaved anti-socially towards another person living in, visiting or carrying out lawful activity in the locality of a house occupied by the prospective tenant, or by a person who it is proposed will live with the prospective tenant.
- 7.4 The Housing (Scotland) Act 2014 sets a new term of 12 months for a short SST given on any of the anti-social behaviour grounds and gives flexibility to extend for a further 6 months where support is in place and improved behaviour is evident.

The Act also allows landlords the following:

- Without going to court, to give a short SST to a new tenant where that tenant, or other specified person, has demonstrated anti-social behaviour within the previous 3 years.
 - Without going to court, to convert a SST to a short SST, where an existing tenant or other specified person has demonstrated anti-social behaviour within the previous 3 years.
 - Automatic conversion to a SST at the end of the 12 month term for a short SST given on any of the anti-social behaviour grounds, unless the landlord has taken action to extend the tenancy for a further 6 months, or has taken action to repossess the tenancy.
- 7.5 Tenants have a right to appeal to the courts if they are not satisfied with the type of tenancy offered by the landlord or with the conversion of their existing SST to a short SST.

8. SUPPORTED HOUSING

- 8.1 Where a complaint is received about a tenant in supported housing – sheltered, extra care, shared housing for people with support needs or general needs tenants supported in the community – staff will follow the procedure outlined in this policy.
- 8.2 In all cases, staff will liaise with development staff, next of kin or advocate, support workers and other appropriate agencies of the tenant's choosing to support the tenant in resolving the behaviour.
- 8.3 The Association acknowledges that in some cases, antisocial behaviour maybe the result of increasing age and mental frailty, and consequently staff will deal with such cases in a sympathetic manner. Alternative housing and housing support/care solutions may be considered in conjunction with Social Work Department, to better meet the needs of the tenant.

8.4 In cases where a supported tenant refuses to engage with support workers, Staff will seek advice, support and intervention from Social Work Department. Where it becomes clear that the tenant’s mental health is deteriorating, and that the tenant or others may be at risk, additional intervention will be sought from the tenant’s GP (if known), Police and other relevant parties. Advice will be sought from the Association’s solicitor should a decision be taken to repossess the tenancy.

9. OUR SERVICE STANDARDS

We will prioritise complaints of unacceptable and antisocial behaviour depending upon the seriousness of the incident reported. Our categories are:

- 9.1 High – this includes complaints where there appears to be criminal activity. We will expect the complainant to have referred such matters to the police, however we also reserve the right to refer such matters directly to the police and advise the complainant of the legal process where we believe this is necessary.
- 9.2 Medium - this includes complaints where there appears to be a breach of the tenancy agreement. Our Housing Officer will investigate and update the complainant as appropriate.
- 9.3 Low - this includes personal disputes and minor disagreements that may be unrelated to the tenancy. In such cases we may advise the complainant of their responsibility to resolve the situation without our involvement.
- 9.4 Estate Management - the Association deals with a number of different elements of Estate Management and there is a separate Policy that sets out the Association’s approach. Estate Management complaints include, but are not limited to, bins, refuse, communal areas, pets, gardens etc.

The following table sets out our categories and our targets to respond and resolve complaints. These targets will apply from the April following the policy approval and be reviewed on an annual basis. Any changes to these targets will require separate consultation with customers.

Category	Initial Response/Acknowledgement	Resolution
High	1 working day	65 working days (3 months)
Medium	1 working day	40 working days (2 months)
Low	3 working days	20 working days (1 month)
Estate Management	5 working days	20 working days (1 month)

Persistent Estate Management Complaints may be re-classified as Antisocial Category complaints and investigated in accordance with the procedures for the appropriate Category.

In addition, should a complainant have experienced no further issues within a period of six weeks (30 working days) or has advised that the situation is resolved, the complaint will be considered resolved and closed by the Association.

10. DIFFERENT TENURES / LANDLORDS

10.1 The Association recognises that mixed tenure exists in the areas in which it operates. Bridgewater Housing staff will deal with complaints from owner-occupiers or tenants of other landlords about Bridgewater Housing tenants. However, complaints about the behaviour of owner-occupiers or tenants of other landlords will be referred to the appropriate department of Renfrewshire Council or the Police.

10.2 Support and advice is provided to the Association's tenants throughout the process. If it is possible for the Association to take direct action against perpetrators of ASB who are not its tenants – e.g. for causing vandalism or damage to its properties – then we may do so.

11. STAFF TRAINING & RESPONSIBILITY

11.1 We are committed to managing the implementation of our unacceptable and antisocial behaviour policy and making sure a quality service is delivered by our staff. We, therefore, provide ongoing training for all staff to make sure that:-

- staff and tenants are made aware of the range of actions which can be taken in response to dealing with unacceptable and antisocial behaviour.
- There are clear guidelines and procedures for the use of non-legal remedies and legal action.

11.2 Housing Officers have responsibility for ASB within their areas, as with Tenancy Management. All referrals for legal action will be following approval by the Housing Services Manager or in their absence the Head of Housing.

12.0 BOARD MEMBERS AND ANTI-SOCIAL BEHAVIOUR

12.1 Anonymity will be preserved always from Board Members when considering individual cases. As Board Members may also be tenants of the Association, those tenants should not commit ASB as this would be in breach of their Tenancy Agreement and the Association's Code of Conduct for Board Members. Any Board Member found to have perpetrated ASB following investigation and/or is subject to legal action will be referred to the Board to discuss termination of the individuals' Board membership or to invite a resignation in accordance with the Association's rules.

13.0 CUSTOMER FEEDBACK

- 13.1 We strive to provide an excellent customer service always and welcome feedback and comments from our customers on the way in which we deal with incidents of ASB and the outcome of cases. We will seek feedback via our website, app, customer portal “MyBHA”, e-mail, in writing and verbally to learn from service user’s experiences, using them to shape and develop our service.

14.0 COMPLAINTS PROCEDURE

- 14.1 Any tenant who feels aggrieved by their treatment under this Policy can ask for a copy of the Association’s Complaints Handling Procedure, which is available on the Association’s website or at our office. You also have a right to complain to the Scottish Public Services Ombudsman. The Complaints Policy details the way in which you can complain and the timescales for responding.

15. REVIEW

- 15.1 This policy will be reviewed every *three* years or as required to assess its effectiveness and to consider any changes required in the light of experience, new guidance, good practice, and legislation.

