

COMPANY NAME:

Hillcrest

POLICY NUMBER:

HH - 03

POLICY TITLE:

Anti-Social Behaviour

This document can be produced in different formats, for example, in larger print or audio formats, and in other languages, as appropriate. We promote equality by seeking to eliminate unlawful and unfair treatment on the grounds of any protected characteristic, as appropriate.

Underpinning and Supporting Documents

This policy should be read in conjunction with the following documents:

Other Policies:

- HH02 Estate Management Policy
- HH04 Allocations Policy
- MMR Allocation Policy
- G10 Data Protection Policy
- G18 Records Management Policy

Compliance:

The Anti-Social Behaviour Policy complies with the guidelines set by the Scottish Government in the Scottish Social Housing Charter April 2017:

- **Charter Outcome 1 - Equalities:** Social landlords perform all aspects of their housing services so that:
 - They support the right to adequate housing;
 - 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 Outcome 2 - Communication:** Social landlords manage their businesses so that:
 - Tenants and other customers find it easy to communicate with their landlord and get the information they need about their

landlord, how and why it makes decisions and the services it provides.

- **Charter Outcome 6 – Neighbourhood and Community:** 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.
- **Charter Outcome 11 - Sustainable Tenancies:** 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.

Legislation:

The Anti-Social Behaviour Policy meets with legislative and good practice requirements including but not limited to:

- The Scottish Secure Tenancy (SST)
- Private Residential Tenancy (PRT)
- Housing (Scotland) Act 2001, 2014
- Private Housing (Tenancies) Scotland Act, 2016
- Anti-Social Behaviour (Scotland) Act 2004
- Hate Crime and Public Order (Scotland) Act, 2021
- Equality Act, 2010

Best Practice:

The most recent publication in 2008, Tackling Antisocial Behaviour (ASB) in Scotland, was designed to enable practitioners, as well as tenants and residents, to develop an understanding of the complexities of dealing with ASB and to help identify potential solutions.

The outcome of the Scottish Government's review was to issue a new framework published in 2009. Promoting Positive Outcomes: Working Together to Prevent Antisocial Behaviour in Scotland and introduced a new way of working, with a focus on effective communication across all agencies to develop more sustainable solutions to the problems of ASB.

The framework was based on four pillars:

Prevention: placing a greater focus on education, prevention and early intervention. This included steering people away from being involved in ASB through diversionary activities;

Integration: focus on sharing of resources and information across all partner agencies and stakeholders;

Engagement: focus on engaging local people to tackle the issues in their community through partnership working;

Communication: focus on encouraging people to report incidences of ASB as well as reassuring the public that action was being taken.

Mid Market Rent – Scottish Government Guidance MHDGN 2020/02 and Scotland's Housing Network: MMR Housing in Scotland - A Practical Guide, 2021, provide guidance on legislation, statutory compliance and best practice for registered social landlord MMR providers.

This policy complies with this guidance.

1. Policy Statement

Hillcrest is committed to ensuring that its homes and communities are pleasant and secure places to live. The Organisation recognises the rights of its tenants and their neighbours to peaceful enjoyment of their homes. The Organisation expects its tenants to respect the values and lifestyles of others within the community and to act reasonably and with consideration for others.

This statement sets out the Organisation's policy in respect of anti-social behaviour and how we will provide a framework within which incidents of anti-social behaviour will be dealt with by the Organisation's staff.

Hillcrest Homes will use all powers available to it to deal effectively with incidents of anti-social behaviour caused by or affecting its tenants. Where appropriate, the Organisation will work closely and cooperate with other agencies whose functions and remits extend to dealing with any aspects of anti-social behaviour.

2. Principles

Hillcrest's Anti-Social Behaviour Policy is crucial to ensuring the efficient and effective delivery of housing management services within the Organisation. It has been developed to take account of legislative, regulatory and good practice requirements.

Hillcrest's Anti-Social Behaviour Policy aims to meet all legislative and regulatory requirements as well as being supported by detailed procedures which will assist staff dealing with incidents of anti-social behaviour to offer appropriate responses, support and action. The Organisation will ensure that all staff receive the appropriate training and support in order to meet the requirements of this policy and related procedures.

The specific objectives of the Anti-Social Behaviour Policy are to ensure the Organisation's Scottish Secure Tenancy Agreement and Short Scottish Secure Tenancy Agreement reflects the definition contained in the Housing (Scotland) Act 2001 and defines anti-social conduct as:

"...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."

And

Section 143 of the Anti-social Behaviour (Scotland) Act 2004 defines anti-social conduct as:

"A person engages in anti-social behaviour if he/she:

- Acts in a manner that causes or is likely to cause alarm or distress; or*
- Pursues 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."*

In this definition 'conduct' would include speech, and a course of conduct must involve conduct on at least two occasions.

Anti-social behaviour is behaviour of an extreme nature manifesting itself in many ways often depending on local circumstances, increasing in severity to criminal activity. In practice, anti-social behaviour covers a wide range of actions and behaviours including, but not limited to the following:

- Arson
- Pets, Dog Fouling and uncontrolled Dogs
- Unacceptable Noise
- Substance Misuse and Drug Dealing
- Hate Incidents and Crime
- Unprovoked Assault or Threats of Violence
- Verbal Abuse and Harassment
- Vandalism and Graffiti

Legal action to repossess the property may be initiated where someone residing in or visiting the property has been convicted of using the property for illegal or immoral purposes, or a criminal offence punishable by imprisonment, which was committed in the property or locality.

The target for completion of the investigation and determination of a course of action is 5 working days with a further 25 days for full investigation. However, action to resolve the complaint can often take longer than 30 days.

Areas not considered as anti-social behaviour:

- Acceptable noise including:
 - General household noise
 - Minor disturbances
 - Family disputes affecting neighbours
- Pets including infrequent dog fouling
- Children playing
- Tobacco smoking
- CCTV and video doorbells
- Abandoned Vehicles
- Unsanitary conditions and hoarding (investigation would be initiated on the grounds of breach of tenancy).

For non anti-social concerns, contact will be formally logged but not investigated. Tenants will be signposted to other appropriate agencies including Police Scotland, local authorities or other agencies in the first instance.

Where non anti-social concerns escalate or are logged on more than two occasions, these will be formally investigated by the Organisation.

Areas such as failure to maintain garden areas satisfactorily will be dealt with under the Organisation's Estate Management timescales and procedures and include but are not limited to:

- Dumped items and refuse disposal
- Stair cleaning or garden upkeep

When dealing with anti-social behaviour, the Organisation will consider where the anti-social behaviour is taking place and who is affected by it. Generally, the Organisation should only become involved in dealing with complaints of anti-social behaviour where that conduct either occurred at the tenant's rented property or in the locality of the rented property or impacted a person, residing in or visiting the area where the rented property is located.

Where there appears to be evidence that a particular household is being deliberately targeted and subjected to incidents intended to annoy, intimidate or alarm them because of their ethnic background, colour, race, gender, sexual orientation, religion, disability or any other specific personal circumstances then this will be classed as harassment and will be dealt with under the terms of this policy.

The Organisation will make every effort to ensure that its residents comply with their tenancy or residency conditions and can enjoy living in their homes and communities free from the effects of anti-social behaviour.

The following framework of aims and principles will guide the Organisation's response to complaints of anti-social behaviour:

All reports of anti-social behaviour will be investigated fully and individuals will be provided with the opportunity to discuss their concerns with staff.

- We will accept complaints using any method of communication, including in writing, by email, phone or via the Tenant App.
- The Organisation will often need evidence in order to take action against someone who is behaving anti-socially. Complainants may be required to complete diary sheets to record what has been seen or heard. In serious cases, complainants may be required to give evidence in Court.
- Anonymous complaints will be followed up where the matter is serious and there is independent evidence. We acknowledge that anonymous complaints are sometimes an indication of fear of reprisal or intimidation.
- The Organisation will respond promptly to complaints of anti-social behaviour as we recognise that a speedy response can often result in issues being resolved before they escalate into more serious incidents.
- In dealing with reports of anti-social behaviour, we will log all reports or complaints and will provide an acknowledgement within 2 working days of receipt. We will keep involved parties advised at all stages throughout the case.
- We will offer advice and support at all stages including the offer of mediation, victim support and assistance from any other relevant agency.
- We aim to complete all investigatory work and resolve the complaint within 30 working days but may extend this timescale if the case becomes more serious or requires legal action through solicitors and/or Court. Initial investigations will be carried out in accordance with the timescales listed below.

3. Responsibilities

The Organisation will seek to minimise the potential effects of anti-social behaviour through the design, construction, and improvement of its properties. This will include designing all new development projects to “Secure by Design” standards wherever possible and providing adequate sound insulation between properties where practical.

Our Anti-social Behaviour Policy will be publicised to existing tenants through information leaflets, tenants’ handbooks, newsletters etc. All new tenants will be made aware of their responsibilities when they sign their tenancy agreement. By doing so we will seek to ensure that all our tenants are aware of our views on anti-social behaviour and the standards of conduct expected of our tenants.

The Operations Sub-Committee has the responsibility of overseeing and monitoring the progress and effectiveness of the policy and should seek assurance from the Head of Housing and Enterprises that Hillcrest discharges its responsibilities under legislation and its own procedures robustly and effectively.

The Operations Sub-Committee will receive quarterly performance information on the number of cases reported and closed and the number of evictions carried out.

The day-to-day responsibility for the operation and monitoring of the policy is delegated to the Head of Housing and Enterprises and Area Managers of Hillcrest Homes and Enterprises. This includes the service of Notices of Proceedings; the commencement, continuance and termination of legal actions and approving proposed evictions.

All relevant employees have a responsibility to ensure that the policy is applied as instructed. The roles and responsibilities of the individual team members involved in the anti-social behaviour process are detailed in relevant procedures.

4. Complaints

We aim to provide a first-class service but anyone who is affected by the implementation of Hillcrest’s policies and procedures can make a complaint if they are unhappy. Complaints can be made in person at any of our offices, by phone, in writing, by email or by using our complaint form via our website and/or tenant app.

Some customers may be unable or reluctant to make a complaint on their own. We will accept complaints brought by third parties, who are not authorised by other means such as Power of Attorney or Guardianship, as long as the customer has provided a signed mandate of consent. These complaints are treated in accordance with our Complaints Procedure (ref G09A) and our G10 Data Protection and G18 Records Management policies.

Document Governance and Management

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