



## **Antisocial Behaviour Policy**

**August 2018**  
**August 2021**

## This policy applies to

- |  |  |   |  |
|--|--|---|--|
| <input checked="" type="checkbox"/> Link Group | <input checked="" type="checkbox"/> Link Housing | <input type="checkbox"/> Link Living              | <input type="checkbox"/> Link Property           |
| <input checked="" type="checkbox"/> Horizon    | <input checked="" type="checkbox"/> Larkfield    | <input checked="" type="checkbox"/> West Highland | <input checked="" type="checkbox"/> Lintel Trust |

## Policy Summary

The policy details how we (Link Group and the subsidiaries listed above) shall respond promptly and appropriately to neighbour complaints and incidents of antisocial behavior (ASB).

It details the preventative and proactive approaches we will take, with legal action as a last resort. We recognise that antisocial behaviour is not just a housing management issue and will work with external agencies where this helps to resolve these issues.

## Equalities

An Equalities Impact Assessment has been carried out as protected characteristic groups could be impacted by this policy. Following an assessment three action points were agreed and added to the policy.

## Privacy

A privacy impact screening has been carried out and initially there were concerns as permission will now be given, in certain circumstances, for the installation of CCTV, however, a privacy impact assessment will not be required as the equipment will not be installed by Link.

**Policy Owner**  
Director of Housing.

**Review Manager**  
Janice Conner

**Approved By**  
Link Housing Board

## Revision History

Date	Version Number	Comments
FILL IN		

## 1. INTRODUCTION

This Antisocial Behaviour (ASB) Policy was developed in consultation with tenants, staff and Board members and forms a key part of Link's housing management strategy. It has been devised to show how Link Group ("Link") through its housing management subsidiary landlords, will manage tenancies to minimise the impact and incidence of ASB.

Throughout this policy, reference to "we" or "Link" refers to all landlords within the group i.e. Link Housing Association, Horizon Housing Association, Larkfield Housing Association and West Highland Housing Association.

Link subsidiary landlords 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 Link tenants or members of their family or visitors to their households are behaving antisocially.

## 2. PRINCIPLES AND SCOPE OF POLICY

This policy is clear and transparent on how Link will deal with complaints of ASB and details the responsibility of both Link and tenant. The policy also details the "tool kit" that Link has and the limitations of working within the confines of the law.

We shall respond promptly and appropriately to neighbour complaints and incidents of ASB and take a preventative approach, with legal action as a last resort. 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 through to serious violence or intimidation.

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

### 3. THE LEGAL AND REGULATORY FRAMEWORK

This policy has been developed within a framework that ensures proper compliance with legislation, regulatory advice and good practice.

#### 3.1 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.

#### 3.2 Scottish Secure Tenancy (SST)

The SST, chapter 3 “Respect for Others” is 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.

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

#### 3.3 Legislation

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.

## 4. OBJECTIVES

The principal aim of this policy is to comply with housing legislation and good practice. The objectives are to:

- Ensure tenants fulfill 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.
- Ensure staff are fully trained so that they have the appropriate skills to deal with issues that arise.
- Provide support and assistance to the victims of ASB.
- Provide good quality information to promote good tenancy relations.
- Monitoring and reviewing incidents of ASB identifying trends and intervening, as appropriate.

## 5. APPROACH AND METHOD

The subsidiary Boards in their formal approval of the policy acknowledges that they accept full responsibility for its implementation. Day-to-day responsibility for the operation of this policy lies with the applicable Link directors and managers. All applicable employees have a responsibility to ensure that this policy is applied as instructed.

We will accept complaints by letter, by phone, email, via our online reporting form or during interviews. Anonymous complaints will be recorded, but it may not be possible to act on such complaints unless it is possible to verify the issue e.g. untidy garden.

## 5.1 Categories of complaints

The initial step on receipt of a complaint is to analyse and categorise it and ensure an appropriate response. Categorised complaint examples are tabulated below (note this is not an exhaustive list).

Category A (Severe)	Category B (Serious)	Category C (Less serious)
Drug dealing Assault Violent conduct to neighbours or staff Housebreaking Threatening behaviour Wilful fire raising Growing Drugs Domestic Abuse Harassment (including harassment related to any of the nine protected equalities characteristics; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation). This includes sectarian behaviour.	Frequent disturbance Less serious vandalism/graffiti to property Verbal harassment Persistent loud music Drinking alcohol in communal areas	Clash of lifestyles Fly tipping Pet nuisance Boundary disputes Infrequent disturbances

In agreement with our tenants, through our consultation process, issues such as dog fouling, untidy gardens, cleanliness of common areas, roads and parking issues will be dealt with under our estate management procedures.

## 5.2 Response times

It's important that there are realistic timescales for dealing with complaints and the following target response times have been agreed with tenants.

Action	Category A	Category B	Category C
Contact complainer	24 hours **	2 working days	5 working days
Contact neighbour witnesses	24 hours**	2 working days	5 working days
Contact/interview alleged offender	24 hours **	2working days	5 working days
Liaise with other agencies	24 hours**	5 working days	7 working days
Case evaluation	5 working days	10 working days	10 working days
Case closed/resolved*	20 working days	20 working days	20 working days

\*We define resolved as meaning; action has been taken in line with our policy and the complainant has been advised either verbally or by letter/email that the case is closed.

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

## 5.3 Harassment

Harassment is unacceptable behaviour that is unwanted, unreciprocated and is regarded as offensive by the recipient, whether or not the harasser intended to be offensive. We will not tolerate Hate Crime and will work closely with the Police where this has been identified.

## 5.4 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 the Link 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.

## **6 PREVENTION, PARTNERSHIP WORKING AND ENFORCEMENT**

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

### **6.1 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 Link and our tenants. We will:

- Carry out pre-tenancy checks before arranging sign-up of new tenants.
- Advise all new tenants of their responsibilities to not act in an antisocial way.
- 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 (Link Property) 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.

### **6.2 Partnership working**

We understand that we cannot tackle ASB effectively if we work in isolation. In prevention, early intervention and enforcement it is essential to work with other agencies and providers to develop an effective approach to local problems. All the Category A complaints listed in section 5.1 are of a criminal nature and must be reported to the Police in the first instance. Among others, we work with:

- Police Scotland, Scottish Fire & Rescue Service, Community Safety Services, Local Authority specialist antisocial teams and Environmental Health departments.
- Local and national mediation services.

- Social Work services and other external support services e.g. Shelter, Victim Support, Women’s Aid, Lesbian, Gay, Bisexual and Transgender organisations.
- Registered Tenant Organisations and other community groups.

### 6.2.1 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 mean that action will not be taken but the wider circumstances and support being made available should be fully considered. Decisions will be taken on a case-by-case basis.

### 6.3 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. Depending on the circumstances and the nature of the ASB the following forms part our “tool kit:

- Mediation – Individual, stair 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.
- ASB orders – Where appropriate we will work with Police and our tenants to secure an 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, or a member of the household or a person visiting the house, has acted in an anti-social manner within the last three years\*. We have a separate policy for deciding when we will use our powers to convert a SST to a SSST.
- Eviction will only be used where all other remedies have been considered or failed.
- We have a separate policy for deciding when we will use our powers to use the streamlined eviction procedure on the basis of a conviction.

\*This is being introduced by the Housing (Scotland) Act 2014 and comes into force in May 2019.

## 7. 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 Link, unless there is a criminal offence, and the matter has been reported to Police Scotland. 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 consult with a solicitor.

## **8. DOMESTIC CCTV CAMERAS**

Link 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. 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 erect a CCTV camera to their property must apply for permission in writing, before installation, stating clearly the reasons for the request.

We will consider requests to install CCTV on a case by case basis and will consider the views of other neighbours or others who may be affected by this installation, before deciding on whether permission should be granted or withdrawn. However, permission will only be given where the CCTV camera is positioned to only capture images of their own property, e.g. anything in the curtilage of their property.

Tenants seeking to install domestic CCTV will be advised to read the Information Commissioner's website for guidance on the Code of Practice on domestic CCTV.

Should CCTV become the implicated reason in a neighbour dispute, a complaint, or an allegation of harassment, then Link reserve the right to withdraw permission and to require that the CCTV is removed.

## **9. MONITORING AND REPORTING**

Link 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 (from May 2019)
- No of streamlined evictions (from May 2019)

We will also provide regular information to tenants through newsletters, our website and local events.

## **10.COMPLAINTS AND APPEALS**

Link 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 made by a manager within a 20 day limit (second stage). At the end of the second stage our response will be made by a director. If the customer remains dissatisfied they can refer the matter to the SPSO.

Anyone receiving our care or support service has the right to complain either directly to the Care Inspectorate or to us.

At each stage we will advise the customer how the complaint should be taken forward and advise which agency would be most appropriate to consider the case.

## **11.POLICY AVAILABILITY**

A summary of this policy can be made available in a number of other languages and other formats on request.

## **12.POLICY REVIEW**

We undertake to review this policy regularly, at least every three years, regarding:

- Applicable legislation, rules, regulations and guidance.
- Changes in the organisation.
- Continued best practice.

## Privacy Impact Assessment Screening Questions

Carrying out a Privacy Impact Assessment [PIA] will be useful to any project – large or small – that:

- Involves personal or sensitive data about individuals
- May affect our customers' reasonable expectations relating to privacy
- involves information that may be used to identify or target individuals

Please tick the applicable statement(s) below. Will your project involve:

*If you have answered 'Yes' to any of these points, please complete a full Privacy Impact Assessment. If you have answered 'No', you need take no further action in completing a Privacy Impact Assessment.*

### Equality Impact Assessment Screening Questions

Will the implementation of this policy have an impact on any of the following

1. A substantial change to an existing policy, process or system that involves personal information  Yes  No
2. A new collection of personal information  Yes  No
3. A new way of collecting personal information (for example collecting it online)  Yes  No
4. A change in the way personal information is stored or secured  Yes  No
5. A change to how sensitive information is managed  Yes  No
6. Transferring personal information outside the EEA or using a third-party contractor  Yes  No
7. A decision to keep personal information for longer than you have previously  Yes  No
8. A new use or disclosure of personal information you already hold  Yes  No
9. A change of policy that results in people having less access to information you hold about them  Yes  No
10. Surveillance, tracking or monitoring of movements, behaviour or communications  Yes  No
11. Changes to your premises involving private spaces where clients or customers may disclose their personal information (reception areas, for example) protected characteristics?  
  1. Age  Yes  No
  2. Disability  Yes  No

- |                                   |                              |  |
|-----------------------------------|------------------------------|--|
| 3. Gender reassignment            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 4. Marriage and Civil Partnership | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5. Pregnancy and Maternity        | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 6. Race                           | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 7. Religion or belief             | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 8. Sex                            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 9. Sexual orientation             | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

*If you have answered 'Yes' to any of these points, please complete a full Equality Impact Assessment. If you have answered 'No', you need take no further action in completing an Equality Impact Assessment.*