

HOU07	ADOPTED: 28.1.98	REVIEWED: 14.11.00; 13.01.04; 31.1.07; 28.3.12; 27.4.15; 25.4.18;
-------	------------------	---

## ANTISOCIAL BEHAVIOUR POLICY

### 1.0 INTRODUCTION

- 1.1 We view anti-social behaviour as any form of behaviour which affects our tenants' enjoyment of their homes. In acknowledging that antisocial behaviour will occur, we are committed to minimising its effects and to making our communities places where people may live in safety and peace.
- 1.2 This policy outlines what we define as antisocial behaviour, how we measure it and the approaches we will take to prevent and respond to incidents of antisocial behaviour within our communities.

### 2.0 THE SCOTTISH SOCIAL HOUSING CHARTER

The relevant standards and outcomes for the Antisocial Behaviour Policy are:

*Outcome 1: Equalities*

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

- Every tenant and other customer has their individual needs recognized, is treated fairly and with response, and receives fair access to housing and housing services.

*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.

*Outcome 6: Neighbourhood and community*

Social landlords, working in partnership with other agencies, help to ensure 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.

### 3.0 DEFINITIONS

The term "antisocial behaviour" is defined by the Antisocial Behaviour (Scotland) Act 2004 as when a person:

- a) Acts in a manner that causes or is likely to cause alarm or distress; or

b) 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.

“Conduct” includes speech; and a course of conduct must involve conduct on at least two occasions.

## **4.0 PREVENTION**

### **Design**

4.1 We will seek to minimise some of the effects of antisocial behaviour through the design and construction of new properties and investment in existing stock, including:

- Adequate sound insulation within and between properties;
- Secure external doors, and windows;
- Controlled entry systems to flats;
- Overall layout of estates to “design out” crime;
- Adequate fencing and lighting in communal areas;
- Designated play areas.
- Provision of CCTV.

### **Maintenance**

4.2 We will seek to deal with the effects of antisocial behaviour through:

- Giving priority to dealing with graffiti and damage to door entry systems;
- Providing effective security for empty properties.

### **Tenant information and participation**

4.3 We will seek to ensure that applicants and tenants understand the implications of causing antisocial behaviour by providing information in the following ways:

- The Scottish Secure Tenancy Agreement includes sections with regard to antisocial behaviour and the implications of breaching any of these conditions, in particular section 2 ‘Use of Property and Common Parts’ and section 3 ‘Respect for Others’.
- Discussions between staff and tenants, particular at the time of signing the Tenancy Agreement and at the settling in visit which will be arranged within one month of the start of the tenancy. We stress the need for tolerance towards others as well as our aim to provide a quick and efficient response to complaints of antisocial behaviour.

4.4 We will involve tenants in measures to counter antisocial behaviour through:

- Questionnaires and surveys to gather tenants’ views on antisocial behaviour in our estates;
- Meetings with tenants to address particular situations or incidents;
- Stair meetings to discuss problems with rubbish disposal etc.;
- Publicising our policy on neighbour nuisance through our website, tenant handbook, newsletters, leaflets etc. This may include articles on neighbour nuisance issues and will demonstrate how we will deal with particular scenarios.
- Meetings of the Tenants’ Forum and other tenants’ groups.

4.5 The aim of these meetings and measures will be to:

- Ensure that all tenants are aware of our stance on neighbour nuisance and antisocial behaviour and how it will be dealt with;
- Make all tenants aware that nuisance of any kind will not be tolerated, and that we expect all tenants not to cause a nuisance;
- Ensure that the potentially serious consequences of causing nuisance are understood;
- Create a climate within each estate which clearly states that nuisance is not acceptable there;
- Encourage the reporting of genuine persistent nuisance;
- Encourage those who live near to victims of antisocial behaviour to offer support, which can assist in deterring those who cause nuisance.

## **Allocations**

- 4.6 Some incidents of antisocial behaviour are the result of a clash of lifestyles rather than malicious behaviour. While we are committed to allocating our stock on the basis of housing need we will also seek to develop balanced and settled communities and to avoid obvious lifestyle conflicts where possible, e.g. too many families in one stair, or young people and elderly people immediately above or below each other. This is not a blanket approach and will rely on Housing Officers having a good knowledge of their tenants, their stock and its management problems.
- 4.7 Prior to making an allocation, we will seek a tenancy reference from the applicant's current or previous landlord. If action has been taken against them for anti-social behaviour or neighbour nuisance, consideration may be given to refusing to make the allocation, within the grounds of the Housing (Scotland) Act 2014 (when enacted).

## **Short Scottish Secure Tenancies**

- 4.8 A short SST is aimed at encouraging tenants to stop the behaviour and sustain their tenancy, by taking away some of their tenancy rights without the need for court action.

The Housing (Scotland) 2014 Act, once enacted, introduces the following options:

- Allowing a landlord, without going to court, to give a short SST to a new tenant where that person, or other specified person, has demonstrated antisocial behaviour within the previous 3 years;
- Similarly, allowing a landlord, without going to court, to convert a Scottish Secure Tenancy (SST) to a short SST, where an existing tenant or other specified person has demonstrated antisocial behaviour within the previous 3 years;
- Setting a new term of 12 months for a short SST given on any of the antisocial behaviour grounds, 18 months in cases where an extension applies;
- Giving landlords the flexibility to extend a 12 month short SST given on any of the antisocial behaviour grounds for a further 6 months where housing support services are in place and where, for example, sufficient improvement in behaviour has not yet been demonstrated;
- Automatic conversion to a Scottish Secure Tenancy (SST) at the end of the 12 month term for a short SST given on any of the antisocial 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;
- New provisions for cases where a landlord is seeking recovery of possession of a house let under a short SST on any grounds. These include the flexibility for landlords to use the procedures at section 14 of the 2001 Act to take possession action at any stage during the term of the tenancy, providing the tenant with reasons for the landlord taking action under section 36 of that Act (including in antisocial behaviour cases, the obligations of the tenancy which have been broken), and a new right of review for tenants.

These changes are intended to help landlords tackle antisocial behaviour by tenants and others living in social housing by giving more flexibility on when a short SST on antisocial behaviour grounds can

be used. They also set out how a short SST on antisocial behaviour grounds should be managed in order to provide the tenant with an opportunity to make positive change and be able to sustain a successful tenancy. In addition, changes to repossession action for any type of short SST, give increased flexibility for landlords and protection for tenants.

## **Community Projects**

4.9 We work with other agencies operating within West Edinburgh. We will seek to support and enhance the opportunities that are available to our tenants and the wider community. It is recognised that much of the work undertaken in this area can have a positive impact in reducing antisocial behaviour.

## **5.0 MANAGING ANTISOCIAL BEHAVIOUR**

5.1 In the event neighbour nuisance, antisocial behaviour, domestic abuse or harassment develops, we will act promptly and vigorously to address, manage and resolve the problem(s). Actions taken include;

- Accumulating corroborative evidence;
- Supporting tenants or householders affected. Assisting with access to statutory and support services, ensuring they have relevant, up to date information about sources of help and referral;
- Responding to and addressing the physical effects of neighbour nuisance;
- Examining all the options available to remedy the problem – this may include non-legal options such as mediation, transfers or physical adjustments to properties and their environment;
- Involving other agencies where appropriate, including referrals to SCOREScotland, Women’s Aid Shakti and MDASS (Male Domestic Abuse Support Service);
- Treating all reports of antisocial behaviour, harassment or domestic abuse seriously;
- For complaints requiring investigation or following up, involving the complainant at all stages and their agreement being obtained before any approaches are made to those alleged to be causing the harassment, or to other agencies, neighbours etc.;
- Where a tenant has suffered from violence, either to themselves or to their property, we will make provision for referral to victim support;
- Proactively close cases down cases by letting the complainant know that we are closing the case and making it clear that they can come back for help if further problems occur.
- Working in partnership with Police Scotland and City of Edinburgh Council.

## **5.2 Hate Incidents or Hate Crimes**

When an incident of antisocial behaviour is reported, we will assess the type of action required. If the affected tenant reports that they believe they have been targeted due to their race, disability, gender, religion or faith, sexuality or gender identity, we will support the tenant to report this to Police Scotland. Police Scotland will then investigate and assess whether there has been a hate crime or incident and take appropriate action. A hate incident is any incident that is not a criminal offence, but something which is perceived by the victim or any other person to be motivated by hate or prejudice. If the tenant does not feel comfortable reporting the incident to Police Scotland, we can support them to meet with our local 3<sup>rd</sup> Party Reporter, SCORE Scotland. Staff within 3rd Party Reporting Centres have been trained to assist a victim or witness in submitting a report to the police and can make such a report on the victim/witnesses behalf.

## **Training**

5.3 We will ensure that staff are fully aware of our policy stance on neighbour disputes, on remedies available and of other agencies’ responsibilities. Effective training will ensure that the confidence of frontline staff in dealing with neighbour disputes will be boosted. Our staff will also receive training in

recognising incidents of hate crime. Such training will assist us to earlier and more effective intervention.

## **Confidentiality**

- 5.4 We will treat all neighbour disputes, complaints of nuisance antisocial behaviour, domestic abuse and harassment in a confidential manner. We will reassure complainants that all reports will be treated as confidential and will only be passed to external agencies where there is a risk of serious harm to any child or vulnerable adult involved.

## **Legal action**

- 5.5 Where informal methods of resolving a situation fail, we may consider taking one or more of the following legal actions:

Convert the existing SST to a Short SST for 12 months. At the end of the 12 month period the tenancy will automatically become an SST unless we:

- Extend the term of the SST by 6 months; or
- Recover possession of the tenancy.

Scottish Government guidance on the Housing (Scotland) 2014 Act outlines the circumstances and steps to be taken before these options can be taken.

We may apply to a Sheriff for an ASBO if:

- the person has acted in an antisocial manner or pursued a course of antisocial behaviour, defined as acting “in a manner that caused or is likely to cause alarm and distress”, with such conduct including speech and a ‘course of conduct’ involving conduct on at least two occasions;
- alarm or distress has been caused, or likely to have been caused, to one or more persons who are not members of the same household as the person against whom the order is made;
- the order is necessary to protect a person or persons from further anti-social acts.

If a court grants an ASBO, the defendant will be prohibited from doing anything that the court considers necessary to protect inhabitants from an area from further antisocial acts or courses of conduct.

- 5.6 We can apply to the Sherriff court for an Interdict. This is an order of the court requiring a person to whom it is addressed to stop doing something. We can apply to the court for an interdict where a tenant is in breach of their tenancy for violence or harassment to staff, or where non-tenants are damaging the Prospect’s property.

In some circumstances it may be more appropriate for the tenant who is making the complaint to make an application for an interdict. We will consult with our solicitors and advise tenants accordingly.

- 5.7 We can apply to the Sherriff court for a Specific Implement. This is an order of the court requiring a person to perform his or her legal functions, for example obligations under a contract (such as the tenancy agreement), and can be appropriate for matters such as garden maintenance or common area responsibilities.

- 5.8 Where the perpetrator is a Prospect tenant and when all possible means of resolving a complaint have been attempted without success, the Housing Manager can authorise repossession action to commence.

## **6.0 PERFORMANCE MONITORING**

In order to ensure that the objectives of this policy are met, we will:

- Aim to resolve 80% of our antisocial behaviour cases as far as we can, within a target of 32 calendar days. This target was set in consultation with our Tenants Forum;
- Record all cases on our housing management system and monitor for trends;
- Report quarterly to Management Committee as part of the Quarterly Key Performance Indicator Report. This will include analysis of the numbers types of complaints received and resolution within target timescales;
- Report to our tenants on our performance within our annual Prospect Performance Report (our report on how we measure up to the outcomes of the Social Housing Charter);
- Report to the Scottish Housing Regulator as part of our Social Housing Charter annual return;
- Conduct satisfaction surveys relating to our management of neighbourhoods within our tenant satisfaction surveys.

## **7.0 IMPLEMENTATION AND POLICY REVIEW**

The Housing Manager is responsible for ensuring that this policy is implemented by relevant staff and for producing procedure notes to aid them in this process.

The Housing Manager will ensure that the Management Committee reviews this policy at least every 3 years.

Review approved by the Management Committee on April 2018

Next review due by April 2021

## PROSPECT EQUALITY IMPACT ASSESSMENT RECORD

<b>Title of policy/ practice/ strategy</b>	Antisocial Behaviour		
<b>Department</b>	Housing Management		
<b>Who is involved in the EQIA?</b>	Catherine Louch		
<b>Type of policy/ practice/ strategy</b>	New <input type="checkbox"/>	Existing <input checked="" type="checkbox"/>	
<b>Date completed</b>	4 April 2018		

### Stage 1: Screening Record

#### *What is the main purpose of the policy?*

Prospect's Antisocial Behaviour Policy outlines how we define antisocial behaviour and the approaches we take to prevent and respond to incidents of antisocial behaviour within our communities. It contributes to meeting the following outcomes of the Scottish Social Housing Charter:

- 1 – Equalities
- 2 – Communication
- 6 – Neighbourhood and community
- 11 – Tenancy sustainment

#### *Who will the policy benefit and how?*

Our Antisocial behaviour policy is aimed to address or mitigate the impacts of antisocial behaviour on our tenants, regardless of which of the protected characteristics they may have. As each characteristic may have a different requirement of support to cope with or reason which may cause antisocial behaviour we need an understanding of the way in which the protected characteristic may impact on their behaviour. Considering all the equality groups will help us deliver a better service to our tenants.

#### *For each equality group, does or could the policy have a negative impact?*

Protected characteristic	Negative	Positive/no impact	Don't know
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pregnancy & maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief (including no belief)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### *Are there any potential barriers to implementing the policy?*

- A lack of reporting of antisocial behaviour by particular groups would mean we did not have a true picture of the issues faced.
- Lack of understanding of our tenants and their needs in dealing with antisocial behaviour.
- Lack of knowledge of the needs of different characteristics and how their experience around antisocial behaviour may differ.

	Yes	No
<b>Is a full EQIA required?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering, including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Source	Qualitative evidence provided	Quantitative evidence provided	Which protected characteristics are covered?	Gaps identified/ action taken
Management information data		Annual staff and committee equalities data	Age, disability, gender, ethnicity. In some cases other protected characteristics	Membership data not collected. Implementation of Cx may assist with data collection.
Tenant satisfaction survey		Survey carried out in 2016	Age, disability, gender, ethnicity. In some cases other protected characteristics	Data becoming out of date. Implementation of Cx may assist with data collection.
Committee, Equalities Working Group and Tenants Forum minutes	Equality related issues identified and discussed		Various	
Review of complaints received	Tenant/service user experience	Statistical data on types of complaint	All protected characteristics	Implementation of Cx may assist with data collection and analysis of protected characteristics
Observations/conversations (anecdotal)	Staff/committee/tenant/service user levels of understanding, inclusive practice		All protected characteristics	
Edinburgh Census 2011		Statistical data	Age disability, gender, ethnicity, marital status, religion or belief.	Data becoming out of date.
EdIndex data		Statistical data provided for individuals on the housing waiting list	Age, disability, gender, ethnicity. In some cases other protected characteristics.	Data becoming out of date.
SHR Annual Return on Charter data		Statistical data on staff, committee and tenant profile for RSLs	Disability, ethnicity.	



### Stage 3: Assessing the impacts

**How might the policy impact on people who share protected characteristics?** Include both positive and negative impacts.

Protected Characteristic	Description of Impact
Age	The policy allows for a flexible approach to investigating antisocial behaviour to respect an individual's preference for communication format, meetings at a time and place which suits etc. Referrals are included to a range of partner agencies for support in a range of ways (personal care &/or housing support for older people, youth work for younger people etc).
Disability	The policy allows for a flexible approach to investigating antisocial behaviour to respect an individual's preference for communication format, meetings at a time and place which suits etc.  Referrals will be made to a range of partner agencies. Challenges may occur in ensuring perpetrators of antisocial behaviour exacerbated by poor mental health are supported to receive appropriate assistance.
Gender reassignment	The policy allows for a flexible approach to investigating antisocial behaviour to respect an individual's preference for communication format, meetings at a time and place which suits etc. Links to partner agencies to ensure we offer appropriate support. We take a person centred approach.
Marriage & civil partnership	The policy allows for a flexible approach to investigating antisocial behaviour to respect an individual's preference for communication format, meetings at a time and place which suits etc. Links to partner agencies to ensure we offer appropriate support. We take a person centred approach.
Pregnancy & maternity	The policy allows for a flexible approach to investigating antisocial behaviour to respect an individual's preference for communication format, meetings at a time and place which suits etc. Links to partner agencies to ensure we offer appropriate support. We take a person centred approach.
Race	The policy allows for a flexible approach to investigating antisocial behaviour to respect an individual's preference for communication format, meetings at a time and place which suits etc. Links to partner agencies to ensure we offer appropriate support. We take a person centred approach.
Religion or belief (including no belief)	The policy allows for a flexible approach to investigating antisocial behaviour to respect an individual's preference for communication format, meetings at a time and place which suits etc. Links to partner agencies to ensure we offer appropriate support. We take a person centred approach.
Sex	The policy makes no distinction between men and women. Links to partner agencies to ensure we offer appropriate support. We take a person centred approach.
Sexual orientation	The policy allows for a flexible approach to investigating antisocial behaviour to respect an individual's preference for communication format, meetings at a time and place which suits etc. Links to partner agencies to ensure we offer appropriate support. We take a person centred approach.

**How does the policy promote equality of opportunity?**

By supporting all of our tenants to live in well maintained neighbourhoods where they feel safe.

**How does the policy promote good relations?**

By embracing a partnership approach to support tenants to maximise their health and wellbeing to live in peace with their neighbours.

**Stage 4: Decision making and monitoring**

**Identifying and establishing any required mitigating action**

Does the assessment show a potential for differential impact on any group(s)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is there potential for unlawful direct or indirect discrimination?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**What arrangements could be implemented to reduce or mitigate any potential adverse or negative impacts identified?**

None identified.

**Describing how Equality Impact analysis has shaped the policy making process**

We did not identify any further changes to the policy as a result of carrying out this analysis.

There are no cost implications from the equality impact assessment.

Carrying out this assessment has helped us to analyse the impact of our approach on the various protected characteristics. It has prompted us to ensure we are working with a range of support organisations to enhance our person centred approach to dealing with antisocial behaviour and its impact. Ongoing analysis of cases with the equality strands taken into account will be useful to identify what further preventative work we can undertake. This can link to our Community Projects work.

**Monitoring and Review**

We will compare our antisocial behaviour performance to other landlords via the Annual report on the Charter annually. We will analyse trends within antisocial behaviour performance to identify equality strands to establish if trends occur. We can then take appropriate action.

We will review the policy and this assessment in three years.

The Housing Manager is responsible for these areas.

## Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes  No

- ◆ Opportunities to promote equality in respect of age, disability, sex, pregnancy and maternity, gender reassignment, sexual orientation, race and religion or belief have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes  No

### Declaration

**I am satisfied with the equality impact assessment that has been undertaken for Antisocial Behaviour.**

**Name: Catherine Louch**

**Position: Housing Manager**

**Authorisation date: 4 April 2018**