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| ANTI-SOCIAL BEHAVIOUR AND HARASSMENT POLICY |
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# pfp logo 2 colIntroduction

This Policy sets out what we will do to help prevent anti-social behaviour and harassment, how we will intervene when reports about anti-social behaviour and harassment are received and how we will enforce our standards. We understand our responsibility to ensure successful places.

Our aim is to prevent anti-social behaviour before it starts and intervene appropriately where we can to achieve a successful outcome.

# pfp logo 2 colReferences

Vision: Working to provide aspirational homes in inspirational places.

Mission: Ensuring successful places and enabling people to reach their potential in Scotland.

Organisational Objective: To provide effective customer focussed services with excellence in delivery.

To ensure our policy fits local authority strategies.

SSHC: The Scottish Social Housing Charter states that 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.

Legislation The policy follows the model Scottish Secure Tenancy introduced as part of the Housing (Scotland) Act 2001. The policy follows the provisions of the Anti-Social Behaviour (Scotland) Act 2004.

# pfp logo 2 colDefinitions

“Anti-social behaviour” for the purpose of this policy is defined as behaviour which has caused or is likely to cause alarm, distress, nuisance or annoyance to any person or cause damage to anyone’s property. It is behaviour that displays a disregard for the rights and wellbeing of another.

“Harassment” can be defined as deliberate words or actions, by one person or a group of people, which are unwelcome and which cause offence or distress. Harassment usually involves repeated acts of unacceptable behaviour.

This covers a wide range of activities including:

* violence or threats of violence
* hate crime and harassment
* domestic violence or abuse
* criminal activity, including using homes to sell drugs
* noise nuisance
* verbal abuse
* damage to property/vandalism
* nuisance from vehicles
* pets causing a nuisance
* intimidation
* drug abuse
* domestic violence or abuse
* alcohol or solvent abuse

We use the term anti-social behaviour quite widely as it will also cover mild nuisance behaviour. We will not always get involved in everything that is reported to us as causing a nuisance. Whether or not we consider an activity to be anti-social will depend on a number of things and the evidence to prove the anti-social behaviour is taking place. We will consider how severely the activity or behaviour it is affecting others, how regularly it is happening, and whether the behaviour is considered unreasonable.

# pfp logo 2 colOur Service Standards for Dealing with Anti-Social Behaviour

Our main aim is to respond to anti-social behaviour cases promptly and professionally and seek an outcome that will resolve the issue. We will:

* contact the person who reported an incident within one working day to discuss the anti-social behaviour for cases which involve the use or threat of use of violence or hate crime
* contact the person who reported an incident within five working days to discuss the anti-social-behaviour for all other cases
* Keep in contact on a weekly basis with the person reporting the incident until the case is closed or by other mutually agreed timescales
* In more complex cases agree an investigation plan and a communication plan with the customer and keep the customer updated on the progress of the case in the way we agreed with him/her.
* Offer to visit the person reporting the complaint when closing a case.
* Write to the person reporting the complaint when a case is closed
* We may ask those that have reported incidents to us to participate in a satisfaction survey

# pfp logo 2 colCategories

We have two categories of anti-social behaviour and harassment:

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| **Category**  **One:** | **Serious:** Relates to extreme behaviour such as drug dealing, unprovoked assault, violence and harassment. Also, threatening and abusive behaviour, frequent serious disturbance or vandalism and damage to property. Usually there will have been police involvement. Such cases require an immediate response, with the matter investigated as a priority. **First contact with the customer on the same day** and investigation**, to be completed within 28 days.** |
| **Category Two:** | **All other complaints:** Covers other less serious nuisance including cases of excessive noise, family disputes affecting neighbours, infrequent disturbances, complaints about pets, visitors or children, and stair cleaning or garden upkeep. These complaints will be investigated within **5 days with the investigation completed within 28 days.**. |

* 1. We will establishthe facts and interview the complainant in their home unless the customers agree otherwise. We may ask the complainant to keep diary notes of further incidents to help us gather evidence.
  2. We will assess each complaint to decide whether it is a tenancy issue, a criminal matter or both. We will assess whether it is a neighbour complaint or a wider neighbourhood issue and respond with action that is reasonable and appropriate.
  3. We will decide what action should be taken within the categories listed above and decide if other agencies need to be involved. We will keep complainants informed at every stage.

# pfp logo 2 colPrinciples

* 1. We will work within the Anti-Social Behaviour strategies in each local authority area. These strategies are published by the local authorities.
  2. We will be consistent and responsive.
  3. Our locally agreed timescale is 28 days to resolve a case.
  4. We will inform tenants of our actions.
  5. We will consult our agency partners where appropriate before considering legal action.
  6. We will find out what customers think of the outcome of our actions.
  7. We will report outcomes to our Board on a quarterly basis.
  8. We aim to provide a quick and effective resolution to complaints made about anti-social behaviour. We will try to resolve complaints at an early stage to prevent them escalating into more serious problems. We will be pro-active and supportive in our approach. We will at all times try to balance the rights of individuals with the expectations of the wider community.
  9. We will strongly encourage and support customers to resolve issues relating to lower levels of anti-social behaviour. We recognise that by supporting customers to resolve issues be themselves early that there will be a more positive resolution longer term.
  10. Anonymous complaints can be an early sign of a serious problem or may result from intimidation or fear of recrimination. However, complainants are encouraged to make themselves known to us, so that their report can be dealt with more effectively. It is recognised that anonymous reports may be malicious and a form of harassment in themselves. If a witness who reports anti-social behaviour wishes to remain anonymous it may be that limited or no action can be taken.
  11. The confidentiality of a complaint is respected at all times unless there is a perceived risk of harm to one or more of the individuals involved.
  12. There are three key aspects to our approach which mirror the national framework**:**Prevention, Integration, Engagement and Communication***.***
* Prevention
* Intervention
* Enforcement

6.13. We will strive to produce evidence based, positive outcomes.

# pfp logo 2 col7. Prevention

* 1. We are committed to working in a proactive manner to prevent the incidence of anti-social behaviour. We will carry out the following measures to ensure that neighbour disputes are prevented or minimised:
  2. We will build and maintain our properties to standards that minimise the impact of anti-social behaviour. Where possible we will build to “Secured by Design” standards. If particular design issues are highlighted we will consider whether work could be carried out through our enhancements budget to remove or reduce the problem.
  3. We will learn from experience and ensure that designs that exacerbate anti-social behaviour are designed out of new build.
  4. We will consider security measures where there is a clear benefit to be gained.
  5. We have a standard Scottish Secure Tenancy Agreement that outlines rights and responsibilities on anti-social behaviour***.*** We clearly communicate to customers prior to and at the start of their tenancy our expectations around anti-social behaviour. We explain the clauses that relate to anti-social behaviour and the consequences of breaches of the agreement.
  6. We will ensure that new customers are housed appropriately for their needs. Where support needs are identified we will ensure that support is provided as required.
  7. We will monitor customer satisfaction on anti-social behaviour and harassment and give advice on how tenants can deal with complaints between neighbours. Information will also be contained in the Tenant Information Pack and our guidance leaflet.
  8. We will take a risk based approach to new customers where we feel there is a higher risk of issues arising during the tenancy. We will closely monitor tenancies during the first year to ensure that the customers understand and meet the terms of their tenancy agreement and will rapidly deal with any issues that might arise.
  9. We aim to provide, with other agencies as required, the appropriate level of support needed so that customers can sustain a tenancy, live peacefully with their neighbours and lead as normal and independent a life as possible.
  10. We aim to deal with estate management problems efficiently and effectively to prevent minor issue becoming more serious.
  11. We carry out estate management in our developments and survey our customers on issues around the built environment.
  12. We set up community development and where appropriate, diversionary activities in our areas.
  13. We get involved with local schools to improve understanding of anti-social behaviour and its consequences in the community where appropriate.
  14. We hold events such as good neighbour award ceremonies.
  15. We work in partnership in areas with community police and community safety teams to highlight our presence.
  16. We will take part in multi-agency meetings about anti-social behaviour***.*** We will enter into any local community agreements on anti-social behaviour where we have customers.
  17. We have a protocol with Police Scotland to share information regarding anti-social behaviour.
  18. We will try to reduce the numbers of anti-social behaviour cases being reported by producing and distributing literature to our customers which will give advice on how to deal with low level anti-social behaviour e.g. noise and neighbour nuisance.

# pfp logo 2 colIntervention

* 1. We are committed to intervening at an early stage in anti-social behaviour cases in order to resolve problems and prevent their escalation.

* 1. We want to avoid eviction and homelessness by intervening to achieve a positive outcome for all concerned. We will employ a range of options to resolve the situation on a case by case basis. These include:
  2. Interviewing all parties, using verbal and written warnings, including solicitors letters, to those who have been anti- social.
  3. Restorative face to face meetings. This is a form of mediation which does not dwell on the past but concentrates on how an understanding can be reached between those affected. Some Housing Officers are trained to provide restorative face to face meetings so this can be arranged quickly to stop problems escalating. If neither party is prepared to take part in face to face meetings we may not be able to resolve the issue. Our role is to encourage customers to speak to their neighbours and find a solution.
  4. Mediation. We will also refer parties to independent professional mediators who will attempt to resolve the issues.
  5. Case conferences withother agencies including police, social work, other landlords and other council departments. This is appropriate if the anti-social behaviour is more serious and affects the wider community.
  6. Acceptable Behaviour Contracts. These are an effective way for tenants and their families to recognise their behaviour is causing problems and sets out steps to change this behaviour.
  7. Multi agency referrals where support needs have been identified as a contributing factor.
  8. Management transfers. We will arrange to transfer people who are victims of anti-social behaviour where we believe such a move will end the problem without moving the problem elsewhere.

# pfp logo 2 colEnforcement

* 1. Where early intervention fails to achieve the desired outcomes or where there are incidents that are of a serious nature we will consider a range of legal options. We will decide what enforcement action is most appropriate on a case by case basis.
  2. ASBO - We will always consult with councils and the police with regard to serving Anti-Social Behaviour Orders (ASBOs). If the person is under 16 we are required to consult the Principal Reporter. We will seek to serve an ASBO only if the circumstances in each case meet the criteria stated in the local authority’s anti-social behaviour strategy. We will also adhere to any local neighbourhood agreements that we are involved in.

An ASBO will be considered in the following circumstances:

Other preventative and intervention strategies have failed to change the behaviour and that behaviour continues to cause problems

Our agency partners agree that this is the most appropriate action

* 1. Interdicts and Specific Implements. Interdicts can be sought to prevent someone from carrying out a certain course of action. Specific Implements can be sought to enforce a tenancy condition.
  2. Decree for eviction. We will not hesitate to take our own customers to court which could result in an eviction if this course of action is reasonable in the circumstances. However we will exhaust all alternatives and remedies available to us before resorting to repossession action.
  3. We will get legal advice and guidance at an early stage and throughout all cases where we take legal action.

# pfp logo 2 colSupport

We understand that standing up to perpetrators can be stressful and we will keep witnesses informed of action we take and maintain regular contact with them. We will tailor support to an individual witness’ needs if we feel that a person needs more tailored support we will discuss what support we can provide.

Often there may be significant underlying problems which contribute to a person causing anti-social behaviour, such as abuse or neglect, alcohol and drug misuse or physical and mental problems. If we think a perpetrator might have a problem of this kind we may work with other agencies or make referrals to other agencies which can provide support that will help prevent the behaviour. However, if the anti-social behaviour continues once supportive actions have been put in place, will continue to take enforcement action.

# pfp logo 2 colRehabilitation

If we have to take legal action and tenants of ours are ultimately evicted for anti-social behaviour, we have no further legal responsibility. The Local Authority may have a duty to make sure there are measures in place to provide support for the ex-tenant to try and alter the behaviour that led to the eviction. Given the opportunity, therefore, tenants should accept support before the final sanction of eviction so that the situation is resolved to the best advantage of all parties. We will take part in any restorative justice or community service orders imposed on our tenants.

# pfp logo 2 colMonitoring and Reporting

* 1. We will monitor complaints about anti-social behaviour and harassment to ensure we follow our policy. We report quarterly to our Board and annually to our Scrutiny Panel.
  2. We will assess customer satisfaction with the way we have dealt with anti-social behaviour complaints and report this to the Board. This information will help us to continually improve the service we provide.
  3. We will publish information about how we have dealt with anti-social behaviour annually.

# pfp logo 2 colComplaints About Our Service

All complainants and alleged perpetrators have the right to make a complaint if they feel that an allegation of anti-social behaviour or harassment has not been dealt with properly.

# pfp logo 2 colTraining

Training on the Anti-social Behaviour and Harassment Policy will form part of induction training for all new Housing Services staff. Additional training will be provided for staff who are likely to receive and/or investigate neighbour complaints.

# pfp logo 2 colPolicy Availability

Additional copies of this Policy and our internal procedures are available on request and free of charge from any of our offices. A summary of this Policy can be made available in a number of languages and on tape, if required.

# pfp logo 2 colPolicy Review

This Anti-social Behaviour and Harassment Policy has been approved by the Board. The Board has agreed that the policy be reviewed on an appropriate basis, to ensure that the aims of the policy are being achieved. The principles of this policy have also been agreed by Customer representatives and any recommended changes in the future will be subject to customer evaluation.

# pfp logo 2 colData Protection

Information on tenants and others will be processed in accordance with the Data Protection Act 1998 and our Access to Information Policy and Procedures and Confidentiality Policy.