

Dumfries & Galloway Housing Partnership



# Anti-Social Behaviour Policy

# Antisocial Behaviour Policy

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## 1. Introduction

Dumfries & Galloway Housing Partnership (DGHP) is committed to ensuring that everyone has the right to live peacefully in their home without suffering disturbance or nuisance from others.

Dumfries and Galloway Housing Partnership, as the largest social housing provider in the region is a major contributor to delivering the expected outcomes within the Local Authority Anti-Social Behaviour Strategy through partnership working.

We recognise the detrimental impact Anti-Social behaviour can have on both individuals and the community.

It is reasonable to expect standards of behaviour, and our tenancy agreement sets out our standards of behaviour and what is not acceptable. We will positively endeavour to make sure that all tenants, including their family members and visitors comply fully with the terms of their tenancy agreement, to ensure that all residents can enjoy their homes free from nuisance or Anti-Social behaviour.

We will take action if these standards of behaviour are not kept to, using all available legislation and counting on article 8 of the Human Rights Act 1998 i.e. the right to respect for private and family life unless in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

This policy explains how we aim to address anti-social behaviour (ASB) through our ASB Team who deals with complaints of ASB. Staff procedures have been developed separately that detail how the policy is implemented.

## 2. Definition of ASB

Anti-Social behaviour covers a wide range of actions and behaviour defined in the Anti-Social Behaviour (Scotland) Act 2004 section 143.

A person engages in Anti-Social behaviour if he/she:

- 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.

ASB is any unreasonable acts which cause alarm or distress to others not of the same household which adversely affect a person's right to the reasonable enjoyment of their home, (please note that under our Tenancy Agreement this type of behaviour includes the tenant, their household and anyone visiting their property).

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## **3. Policy Aim**

We will make every effort to ensure our tenants comply with their tenancy conditions and can enjoy living in their homes and communities free from the effects of ASB.

## **4. DGHP Objectives**

We will intervene as soon as is appropriate when dealing with reports of ASB and in line with our timescales.

We will issue all new tenants with a copy of their tenancy agreement and the good neighbour agreement when signing up for a new tenancy and will clearly advise them of how we expect them to conduct their tenancy.

## **5. Partnership Working**

We recognise that sometimes solutions to ASB cannot be achieved by any individual agency alone. We will hold and attend multi-agency case conferences as necessary, in which the partners will consider and agree how best to resolve the problem using the powers and resources available to them all.

We will contribute to Community Safety Partnerships and initiatives and be involved in delivering the expected outcomes within the local ASB Strategy.

We meet regularly with partner agencies including the local police, the council's resilience & community safety service, social work services and various support agencies, to discuss local problems affecting the community and how best to tackle them at an early stage to prevent problems from escalating.

We have signed an information sharing protocol with Police Scotland and Council that enables us all to share information when dealing with cases of ASB.

## **6. Legal Framework**

In formulating and implementing this policy we will ensure we comply with our statutory obligations detailed within the following legislation:

- Housing (Scotland) Act 2001
- The Anti-Social Behaviour etc. (Scotland) Act 2004

A full list of other legislation taken into account can be found in appendix 2.

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## 7. Tenant Responsibility

In DGHP's tenancy agreement and good neighbour agreement, Anti-Social means causing or likely to cause alarm, distress nuisance or annoyance to any person or causing damage to anyone's property. The tenancy agreement sets out tenants' rights and responsibilities in relation to respect for others. It clearly indicates that tenants are responsible for their own behaviour and also for the behaviour of those living with them and those visiting their home.

Tenant involvement is crucial in tackling ASB effectively as, in order to take action against someone who is behaving anti-socially, we will need evidence. This may mean completing diary sheets to record what is seen or heard and in serious cases it may mean giving evidence in court, in which case we will make sure that support is provided.

## 8. Management Action and Remedies

Our ASB Team will carry out the enforcement of our ASB policy. Their approach will be fair and firm, remaining impartial and observing confidentiality at all times. We will ensure all relevant staff are fully trained and up to date with current legislation and best practice.

We will thoroughly investigate complaints of ASB in strictest confidence and take appropriate and reasonable action against perpetrators of ASB whether it is being caused by them, their visitors and/or their family. This will always be dependent on having the necessary evidence.

The vast majority of complaints of Anti-Social behaviour can be resolved without court action and below are some of the actions we may consider:

- Warnings/advice
- Acceptable Behaviour Contracts (ABCs)
- Good neighbourhood agreements
- Housing support

When necessary we will use legal action:

### Legal remedies

- Notice of Proceedings
- Anti-Social Behaviour Order (ASBO)
- Short Scottish Secure Tenancy
- Repossession
- Interdict
- Specific implement

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We will provide as much support as possible to complainants and/or witnesses of ASB. We will refer them to any support services that are available to us either external agencies such as victim/witness support services, or our own in-house support.

We will support any perpetrator of ASB who is vulnerable by referring them to specialist support agencies, recognising that it is possible to change poor behaviour to the point where the behaviour becomes acceptable.

### **9. Convictions for Supply, Cultivation or Possession of Controlled Drugs Within a DGHP Tenancy**

DGHP will not tolerate the use of our properties for either the sale or cultivation of controlled drugs and have therefore agreed a specific Information Exchange Protocol with Police Scotland which allows the exchange of information relating to charges made against persons under the Misuse of Drugs Act 1971 (concerned in supply or cultivation of controlled drugs), where the offence has been committed either within or in the immediate vicinity of a DGHP tenancy. This protocol includes charges made against our tenants, any household member or any visitor to the property.

In all cases where there is a subsequent conviction under the Misuse of Drugs Act 1971 for being concerned in supply or cultivation of controlled drugs from a DGHP tenancy, DGHP will issue a Notice of Proceedings and once this notice is operative will raise Court action for the repossession of the tenancy.

Where there is a conviction under the Misuse of Drugs Act 1971 for being in possession of a controlled drug within a DGHP property DGHP will consider all appropriate options available.

### **10. Data and Information Exchange**

As part of our investigations we will gather as much evidence as possible, some of which may be personal and sensitive. We will keep this information secure and only use it for the purpose for which it is intended. We will not reveal this information to unauthorised people or organisations.

### **11. Equality and Diversity**

We are committed to ensuring that our ASB process is carried out legally, fairly and respects human rights.

We aim to treat all customers with respect and professionalism and we will ensure that our service is fair and accessible to all. We publish information that is easy to read and understand in a range of appropriate languages and formats. Where complainants have any particular needs or requirements we will do all we can to ensure our services are tailored to their needs.

## 12. Implementation

We will deal with each case on an individual basis to evaluate the issues. This ensures that each case is assessed reasonably by taking account of the individual concerned and the impact the ASB is having on them.

Our next step is to discuss possible options for resolving the Anti-Social behaviour issues with the complainant, for example we will discuss their expectations in terms of what is realistic, and how we could manage and address the behaviour.

Reports of ASB can be made via our Freephone number 0800 011 3447 or to any of our staff. They can be written or verbal or via our web-site at [www.dghp.org.uk](http://www.dghp.org.uk).

In dealing with ASB we will in all cases:

- Log all reports of ASB by category and acknowledging receipt within 24 hours
- Carry out investigations in accordance with the timescales below which may include escalating a case if it becomes more serious:

**Category 1** – response within 2 working days.

This is where there is a real threat of violence or an attempt on the life of the complainant. (Police involvement is likely).

**Category 2** – response within 5 working days

This is where there are frequent /persistent incidents or incidents are serious and cause distress but are not life threatening.

**Category 3** – Response within 10 working days

This is where there are occasional incidents that are breaches of tenancy which cause nuisance rather than distress.

- Decide and take appropriate actions, where possible taking account of the complainant's views
- Take appropriate action
- Keep the complainant informed
- Support victims/perpetrators where required
- Maintain records of actions and contacts
- Close cases following discussion with the complainant giving clear reasons for the decision
- Publish successes

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## **13. Complaints Process**

Our aim is to get it right first time, however DGHP has published its own Complaints Procedure.

Concerns can be raised informally with the member of staff dealing with the case.

If the customer is still dissatisfied with the level of service they have received, then a complaint can be made through DGHP's complaints procedure. Information about how to make a complaint is available from DGHP offices, on our web-site or through the Customer Service Centre.

## **14. Performance Monitoring and Reporting**

We operate within a performance monitoring framework:

We will produce quarterly monitoring reports for the Customer Service Committee.

We will take part in benchmarking with other organisations of a similar size and nature.

We will ask tenants for feedback through regular satisfaction surveys and other methods. We will analyse the information gathered to see if there are any ways of improving our service delivery.

We will provide performance information to our partner agencies where appropriate to provide a holistic service.

We will consider and where possible implement any requirements and recommendations made by internal auditors or inspectors.

We will publish information regularly through our annual report, tenant's newsletter and web pages.

## **15. Policy Review**

This policy will be reviewed every three years to ensure that any changes in government legislation and best practice are taken into account. When reviewing this policy we will consult tenants, staff and stakeholders.

More regular reviews will be considered where, for example there is a need to respond to new legislation.



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## Glossary of Terms used

### **Acceptable Behaviour Contract (ABC)**

A contract drawn up between a person who is committing ASB and the landlord/police outlining what behaviour is or is not acceptable

### **Anti-social Behaviour Order (ASBO)**

Is a court order made against a person who has engaged in Anti-Social behaviour and prohibits them from certain behaviour?

### **Benchmarking**

A process used by organisations to compare service processes and performance with others to identify best practice

### **Complainant**

A person who makes a complaint

### **Customer Service Committee**

Oversees all the services delivered to our tenants

### **Good Neighbour Agreement**

A voluntary agreement between tenant and landlord used to promote positive behaviour and a commitment to tackle ASB

### **Information Sharing Protocol**

An agreement between Dumfries & Galloway Police and registered social landlords to share information for the purposes of prevention of crime and anti-social behaviour

### **Interdict**

Is a court order, without the power of arrest that bans a person from certain behaviour?

### **Multi-Agency Approach**

Several different organisations working together to resolve an issue

### **Notice of Proceedings**

Is a legal document which starts the eviction process?

### **Performance Monitoring Framework**

Is a quarterly performance monitoring tool produced for DGHP board, management and committees? It collates a selection of key performance information aligned to our business objectives and includes previous and current outcomes

### **Perpetrator**

Someone who is responsible for committing anti-social behaviour

### **Short Secure Scottish Tenancy (SSST)**

Is a short term tenancy agreement

### **Specific Implement**

A court order requiring a person to perform an obligation of a contract

### **Stakeholder**

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Any person or organisation using a landlord's service, affected by a landlord's actions or having an interest in the landlord's activities – an interested party

## **Support Agencies**

Offer a wide range of advice and help to any person to help them live independently

## **Tenancy Agreement**

A signed contract between landlord and tenant which sets out what is expected of each party and what rights each has

## **Victim Support**

Is the independent charity that helps people cope with the effects of crime? They provide free and confidential support and information to help people deal with their experience

### Legislation & Associated Documents

- Crime & Disorder Act 1998
- Human Rights Act 1998
- Data Protection Act 1998
- Regulation of Investigatory Powers (Scotland) Act 2002
- Equality Act 2010

There are a number of documents that closely link to this policy, examples are:

- Scottish Secure Tenancy Agreement
- Short Scottish Secure Tenancy Agreement
- Allocations Policy
- Estate Management Policy
- Information Sharing Protocols – Police and Dumfries & Galloway Council
- D&G Council Single Outcome Agreement

### Who Deals with What?

If the ASB is criminal it should always be reported to the Police in the first instance. If it is caused by, or affecting a DGHP tenant it should also be reported to DGHP.

#### Police & Council Resilience & Community Safety Service

Funding from the Scottish Government has enabled Dumfries and Galloway Council and Police Scotland to create a Resilience & Community Safety Service. Using Council staff and seconded Police Officers, the Resilience & Community Safety Service Team is located at offices in Dumfries and Stranraer. DGHP has agreed a working protocol with the council's Resilience & Community Safety Service which clarifies the roles and responsibilities of ASB officers working for the two organisations.

**Everyday living noise or minor lifestyle differences are not classed as anti-social behaviour and will not be investigated under the terms of this policy.**

For example:

- Noise from people walking across a wooden floor whilst wearing shoes, doors banging, noise from passage up & down stairs.
- Noise from people using washing machines, tumble driers, vacuum cleaners, lawnmowers etc.
- Balls going into neighbours gardens
- Children falling out with each other/bullying each other
- Cooking smells
- Noise of children playing in or near their own home
- Vehicle nuisance, revving engines, loud music from in car, careless driving, racing

The above list is not exhaustive. Where we cannot intervene we will explain why and if possible give advice on other agencies that may be able to help.

### Useful Telephone Numbers

<b>DGHP</b>	0800 011 3447
<b>Police</b>	101 (non-emergency) 999 (emergency)
<b>Childline</b>	0800 1111
<b>Citizens Advice Dumfries and Galloway</b>	0300 303 4321
<b>Crimestoppers</b>	0800 555 111
<b>Dumfries &amp; Galloway Council</b> Resilience & Community Safety Service	0303 333 3000
<b>Samaritans</b>	116 123
<b>Scottish Domestic Abuse Helpline</b>	0800 027 1234
<b>Victim Support</b>	0345 603 9213
<b>Women's Aid:</b> <b>Dumfries</b> <b>Stranraer</b> <b>24 hour</b>	01387 263052 01776 703104 07710 152772