

Dumfries & Galloway Housing Partnership



# Antisocial Behaviour Policy

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## CONTENTS

1. Introduction	3
2. Definition of Antisocial Behaviour	3
3. Policy Aim	4
4. DGHP Objectives	4
5. Partnership working	4
6. Legal Framework	4
7. Tenant Responsibility	5
8. Management Action & Remedies	
9. Streamlined Eviction Process Criminal Convictions within or in the immediate vicinity of a DGHP Tenancy	5
10. Data & Information Exchange	6
11. Equality & Diversity	7
12. Implementation	7
13. Complaints Process	8
14. Performance Monitoring & Reporting	8
15. Policy Review	9
Appendix	
1. Glossary of Terms Used	10
2. Legislation & Associated Documents	12
3. Who Deals with What	13
4. Useful Telephone Numbers	14

# 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 fear 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 Antisocial Behaviour Strategy. We recognise the detrimental impact antisocial behaviour can have on both individuals and the community.

It is reasonable to expect standards of behaviour from our tenants, and our tenancy agreement sets out the standards of behaviour that DGHP expects. 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 antisocial behaviour.

We will take robust action if these standards of behaviour are not kept to, using all available legislation. This policy explains how we aim to address anti-social behaviour (ASB) through our ASB Team who deal with complaints of ASB. Staff procedures have been developed separately that detail how the policy is implemented.

## 2. Definition of ASB

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

A person engages in antisocial 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.

## 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

# Antisocial Behaviour Policy

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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 initiatives and be involved in delivering the expected outcomes within the local ASB Strategy.

We meet regularly with partner agencies including Police Scotland, 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 the 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 all legislation but especially:

- Housing (Scotland) Act 2001 and Housing (Scotland) Act 2014
- The Antisocial Behaviour etc. (Scotland) Act 2004

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

## **7. Tenant Responsibility**

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.

# Antisocial Behaviour Policy

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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, providing statement for lodging in court and in serious cases it may mean giving evidence in court, in which case we will make sure that support is provided. Tenants will be expected to engage with Police Scotland in reporting issues to them where appropriate.

## **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 antisocial 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

- Antisocial Behaviour Order (ASBO)
- Short Scottish Secure Tenancy
- Notice of Proceedings
  
- Repossession
- Streamlined Eviction Process - Criminal Convictions within or in the immediate vicinity of a DGHP Tenancy

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.

# Antisocial Behaviour Policy

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We will make support referrals for any perpetrator of ASB who requires specialist support in order to address their behaviour.

## **9. Streamlined Eviction Process – Criminal Convictions within or in the immediate vicinity of the DGHP Tenancy**

In Order for DGHP to utilise this power there must have been a relevant conviction within or in the immediate vicinity of the DGHP Tenancy.

The conviction must be within the preceding 12 months and can be of the tenant, joint tenant or someone living in or visiting the property.

In addition the criminal offence must be punishable by imprisonment, however it is not necessary that the person receives a custodial sentence only that the offence has the potential to carry one.

In all cases where there is such a conviction DGHP will have to consider if it is necessary and proportionate to use this power.

Each case will be assessed on its own merits and where this action is taken DGHP will have to be able to provide evidence of both the conviction and that the use of this power is proportionate to protect the wider community.

## **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**

DGHP will always seek to comply with the **Equality and Diversity Act 2010**.

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**

# Antisocial Behaviour Policy

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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 antisocial 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

## 13. Complaints Process

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

# Antisocial Behaviour Policy

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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.

## Appendix 1

### Glossary of Terms used

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

A contract drawn up between a person who is committing ASB and the landlord and Police Scotland outlining what behaviour is or is not acceptable and what support they may require to help prevent the behaviour from re-occurring.

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

Is a court order made against a person who has engaged in antisocial behaviour and prohibits them from certain behaviour. Failure to comply with such and Order is a criminal offence and on conviction can carry a substantial fine/or a prison sentence of up to 5 years.

# Antisocial Behaviour Policy

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## **Streamlined Eviction Process as introduced by the Housing (Scotland) Act 2014**

Eviction process where there has been a relevant conviction within or in the immediate vicinity of the DGHP Tenancy within the preceding 12 months, the conviction can be of the tenant, joint tenant or someone living in or visiting the property. The criminal offence must have the potential to carry a custodial sentence.

## **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.

## **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

## **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.

## **Stakeholder**

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
- Housing (Scotland) Act 2001, 2014
- Antisocial Behaviour (Scotland ) etc. Act 2004
- Human Rights Act 1998
- Data Protection Act 2018
- 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 D&G Council Antisocial Behaviour Strategy

## Appendix 3

### 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 Scotland & 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 who 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 Resilience &amp; Community Safety Service</b>	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 Dumfries Stranraer 24 hour</b>	01387 263052 01776 703104 07710 152772