



<b>ANTI-SOCIAL BEHAVIOUR POLICY</b>	
<b>Policy Number</b>	HM 3.7
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# OSPREY GROUP ANTI-SOCIAL BEHAVIOUR POLICY STATEMENT

***Osprey Housing and Osprey Housing Moray (referred to as the Group) believe that effective and efficient tenancy management is vital to the success of maintaining good quality services for all our tenants and provide value for money.***

We embrace quality tenancy management and this is encompassed in our Core Values;

✓ **AMBITION**

*empowering through innovation and challenge*

✓ **(E)QUALITY**

*doing the best for individuals and communities in a fair and equal way*

✓ **RESPECT & PROFESSIONALISM**

*towards each other, the people we work with; the people we serve and our environment*

✓ **ACHIEVEMENT**

*delivering outcomes that matter and make a real difference – now and in the future*

## 1. INTRODUCTION

The Anti-Social Behaviour Policy sets out The Groups approach to tackling ASB through prevention, enforcement and support.

The Group are committed to tackling ASB in a responsive and robust manner. We will respond promptly and appropriately to incidents of neighbourhood issues or ASB. We shall 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 together with external agencies where this helps to resolve problems.

We recognise that ASB can include a range of activities and is a problem which has many causes. It requires a wide range of responses to tackle effectively. We will balance enforcement action and intervention with actions that promote the prevention of ASB.

We will adopt a customer focussed approach to tackling ASB, with all parties involved to reach agreed actions, timescales and ultimately closure.

## 2. POLICY AIMS

The Group is committed to ensuring that as far as possible all of its tenants are able to have quiet enjoyment of their homes, without being abused or harassed or subject to undue noise or other nuisance caused by those around them. The key aims of this policy are;

- Ensure compliance with our statutory and regulatory obligations
- Tackle the causes of ASB to prevent incidents arising
- Early intervention to prevent cases escalating
- Provide residents and service users with appropriate advice and support
- Work in partnership with the Police, local authorities and other agencies where appropriate to reach the best outcome for each case
- Take necessary management intervention and legal action if appropriate

## 3. POLICY PRINCIPLES

The principles underpinning the Group's Anti-Social Behaviour Policy are:  
focus on preventative work and housing related problems;

- raise awareness of what is, and is not, acceptable behaviour;
- encourage and facilitate self-help;
- set and monitor action plans for serious cases;
- keep complainants informed and meet 'resolved' target timescales; and
- if we are unable to assist, state this clearly as soon as possible and offer advice on where else they may seek help.

## 4. DELIVERY OF THE POLICY

### 4.1 Definitions

**What is the definition of ASB.** The Anti-Social Behaviour (Scotland) Act 2004 defines anti-social behaviour in the following terms:

- acts in a manner that causes or is likely to cause alarm or distress; or
- 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 to be a course of conduct it must happen on at least two occasions.

**What will not be dealt with as ASB.** We will work with tenants to manage expectations regarding behaviour that is not defined as ASB by offering advice and guidance, and where appropriate supporting tenants to resolve the issues themselves.

The following are examples of what is not included in the policy definition of ASB, and will be reported as Category C tenancy issues;

- Children playing
- Family disputes
- Babies crying
- Smells from cooking
- Normal day to day living sounds
- One off parties such as BBQ's/birthday or Christmas parties – providing they do not cause an unacceptable disturbance
- Clashes of lifestyle, including cultural differences
- Minor personal differences such as 'dirty looks' or fall outs between children
- Putting in/our of rubbish bins

We will aim to support and advise tenants experiencing neighbourhood or tenancy related issues to prevent any of these issues escalating as we recognise that these issues have the potential to become defined ASB conduct if not appropriately intervened.

### 4.2 Category of Complaint

The Group will assess what category the ASB case falls into and whether the incidents are of a minor or serious nature and categorise it appropriately. Outlined below are the different categories of ASB and an indication as to when customers can expect an investigation to begin:

**Category A** – Serious anti-social behaviour, where the impact of ASB is high and the involvement of the Police is likely. For example:

- drug use/dealing
- physical assault
- violence (including domestic)
- harassment (including racial harassment).

**Category B** – Anti-social behaviour, where the behaviour is of a serious and / or persistent nature, affecting one tenant or a group of tenants. For example:

- frequent serious disturbances
- threatening / abusive behaviour
- vandalism / damage to common areas / property owned by the Group
- child / youth disturbances
- intimidation/direct harassment
- persistent loud music

**Category C** – Nuisance/Tenancy related issues. Complaints which may breach the tenancy conditions but are of a relatively minor nature and not covered by the definition of ASB. For example:

- occasional noise / loud music
- family disputes
- dog / pet control
- behaviour of visitors
- infrequent disturbances

Behaviour examples are given as a guide only, the Housing Officer will use their judgement based on complainant information submitted.

### **4.3 Response and resolution timescales**

Each reported incidence of ASB, by its very nature, will be unique. Some cases will be resolved relatively quickly through low level mediation or early intervention. While more severe or persistent cases will take far longer to resolve. We will keep cases open for a suitable period to monitor resolution outcomes.

Our response time targets are appropriate to the seriousness and impact of the case.

<b>Category</b>	<b>Response</b>	<b>Resolution</b>
Category A	24 hours	3 calendar months
Category B	2 working days	2 calendar months
Category C	5 working days	1 calendar month

### **4.4 Prevention**

The Group will facilitate prevention through various measures including placing emphasis on tenant responsibility and providing support services at the outset of a tenancy. The Group will combine this with a settling in visit during the early stages of a tenancy and where necessary the Group will consider a Short Scottish Secure Tenancy (SSST) for individuals with a previous history of ASB.

The Group use a Risk Assessment Grading to support the Tenancy Sustainment Policy and this grading will be made based on any pre-allocation information or incidences or conduct throughout the tenancy.

The Housing (Scotland) Act 2014 makes provision for SSSTs to be used in cases of ASB or based upon historical evidence relating to the previous 3 years. The Group may consider converting an existing Scottish Secure Tenancy (SST), or can grant an SSST to new tenants, where the tenant, a household member or a visitor, has been involved in anti social behaviour in or near social housing in the last three years – an eviction order because of ASB or an anti social behaviour order (ASBO) is no longer required.

Where an SSST has been given to a tenant because of ASB or eviction for ASB, the 2014 Act extends the minimum period to 12 months. This is to allow sufficient time for support services to help address the ASB such as alcohol or drug counselling to have an effect.

Other preventative approaches will include:

- providing customers with information on our policy and procedures on ASB at the start of their tenancy and carrying out settling in visits for all new tenants;
- assessing the vulnerability and support needs of our tenants and providing support;
- sensitive lettings where appropriate;
- considering suspension of housing applications where the applicant has a known history of ASB;
- publicising the Groups commitment to dealing with ASB, for example in our newsletters and online; and
- where possible the Group will tackle environmental ASB so as to reduce the potential for crime and risk of ASB, for example removal of graffiti, abandoned vehicles etc.

#### **4.5 Early Intervention**

Where there are concerns over ASB, early intervention will be a key objective. This may involve joint visits with Police Scotland to the complainant and alleged perpetrator. These visits will offer suggested solutions and use tools such as, Acceptable Behaviour Contracts (ABCs), verbal / written warnings and Mediation referrals.

Where a need for further support is identified, options which will be explored include:

- establishing early case management meetings working in partnership with all relevant services (including GP's, Education, Police Scotland, Social Work etc.) and the perpetrator.
- Sharing relevant information and collectively making appropriate decisions on how to obtain the most effective outcome; and
- intensive family support, such as parenting support. We will refer and work with those services that can offer the support to help parents break the cycle of unacceptable behaviour.

If the perpetrator does not engage in the support offered and continues to cause ASB, the Group will take enforcement action that could ultimately result in the tenant and their household being evicted from their tenancy.

#### **4.6 Partnership Working**

**Local Support.** The Group recognises that the problems faced in some communities is complex and that no one agency can effectively solve the problems of ASB. The Group will therefore adopted a partnership approach where agencies work together with communities to prevent and manage ASB at an individual and local level.

**Individual Support.** Where early intervention measures or initial investigation of a complaint indicates the need, the Group will set up case management meetings to co-ordinate support across agencies to tailor packages to meet the complex needs of a perpetrator e.g. this could involve alcohol, drug and/or mental health issues. By working in this way, the Group will provide support to perpetrators to change their behaviour while ensuring that the complainant receives the necessary support to feel safe and live peacefully in their own home.

**Local Priorities.** In addition to responding to individual complaints, the Group will work with community networks, partners, and support agencies such as Police Scotland, The Scottish Fire and Rescue Service, NHS, Youth Offending Services, Education, Local Authorities and other Registered Social Landlords (RSLs). This will involve responding to local priorities and delivering outcomes at a local / neighbourhood level and sharing relevant information in order to deter or prevent ASB from taking place.

#### **4.7 Dealing with Complaints**

In order to tackle ASB effectively, each case will be assessed individually, taking into consideration any Duty of Care and Legislative constraints. Complaints will normally be dealt with by taking action at the most appropriate level. Only in the most extreme cases would legal action be considered before a warning visit / interview was carried out. In all cases the Group undertakes to keep complainants informed on the progress of the complaint and reasons for action taking or for closing of case.

The stages of dealing with a complaint are detailed below. There is no specific order, as the nature of ASB cases vary and should be assessed on an individual case by case basis. The Housing Officer will assess which options are appropriate for each case dependant on circumstances. There are a wide range of tools and powers available to the Group to tackle ASB, including:

- encouraging self help
- housing support
- mediation
- referral to support agencies e.g. drug and alcohol or mental health agencies
- warnings

- acceptable behaviour contracts (ABCs)
- interim anti-social behaviour orders
- anti-social behaviour orders (ASBOs)
- noise monitoring equipment
- internal transfers
- conversion to short scottish secure tenancy (SSST)
- eviction

On some occasions, an alleged perpetrator may make a counter-allegation against the original complainant. We will adopt the same approach on responding to their counter-allegation.

## 5. APPEALS AND COMPLAINTS

The Group will always try and resolve issues without them becoming complaints. If someone is dissatisfied with how their case has been handled should raise this with the Housing Services Manager. If the person is still not satisfied they can complain using the Complaints Handling Policy.

## 6. EQUALITY & DIVERSITY

The Group is committed to ensuring and promoting diversity and equality of opportunity in housing, employment and provision of services for all people within its range of work. The Group will treat all people equally and in accordance with the Equality & Diversity Policy.

## 7. MONITORING & REPORTING

The following areas will be subject to monitoring on a continuing basis:

- i. Outcomes expected from the Scottish Social Housing Charter;

**Charter Outcome 1:** Equalities “social landlords perform all aspects of their housing services so that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services”

**Charter 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”

**Charter 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 that suitable support is available, including services provided directly by the landlord and by other organisations”

**Charter outcome 13:** Value for Money “Social landlords manage all aspects of their business so that; tenants owners and other customers receive services that provide continually improving value for the rent and other charges they pay”

- ii. Key Performance Indicators – through quarterly reporting of key performance indicators to Governing Body in relation to tenancy sustainment, and case management of ASB.



- iii. Risk management – Strategic risk register
- iv. Training and information for staff

## 8. REVIEW

This policy will be reviewed every 3 years unless the following criteria dictate that it would be best practise to review sooner:

- i. applicable legislation, rules, regulations and guidance, both those which affect the Group directly and those which affect the resources available to significant numbers of our customers to enable them to sustain tenancies
- ii. changes in the organisation
- iii. continued best practice

## 9. RELATED DOCUMENTS

Allocations Policy  
Tenancy sustainment Policy