



<b>KNOWES HOUSING ASSOCIATION LTD</b>	
<b>Procedure Name</b>	HMP01 - Anti-Social Behaviour Procedure
<b>Procedure Category</b>	Housing Management
<b>Procedure Number</b>	HMP
<b>Procedure Review</b>	October 2023
<b>Links to Other Policies and Procedures</b>	HMP 11 ASB Policy HM 16 High Risk Offenders Policy No Lone Visit Procedure HMP13 Estate Management Procedure Use of Short SST and Streamlined Eviction Procedure
<b>Next Review Date</b>	October 2020

## 1. Aims & Objectives

- 1.1 It is the aim of Knowes Housing Association to provide a comprehensive Anti-social Behaviour service, (referred to as ASB in this document), which is effective in ensuring that our tenants and residents living in our neighbourhoods feel safe and at ease in their homes and public places. This Procedure complements the Policy on ASB and also the Policy and Procedure on Estate Management. This document outlines how we deal with anti-social behaviour perpetrated by Knowes tenants
- 1.2 It is recognised that the aims of our policy are to ensure that:
- The housing stock and communal areas are managed to a high standard which increases the stability of the community;
  - All residents are satisfied with the service provided
  - Tenancy Information and Advice is provided in a routine yet consistent manner;
  - Co-operate and liaise with other partner agencies and contractors to ensure that services are provided to a high standard and to the satisfaction of both the residents and the Association.
- 1.3 This ASB procedure details how we deal with anti-social complaints as officers of the Association. We record incidents of ASB to keep accurate records of action taken and outcomes.
- 1.4 We aim to resolve complaints about customer behaviour as quickly as possible. We will try to resolve them at an early stage to avoid them escalating into more serious problems. We will be positive and supportive in our approach and customers will be treated with courtesy, respect and fairness.

## 2. Legal Background

- 2.1 From a tenant/landlord perspective, the foundation to ASB lies mainly in the Scottish Secure Tenancy Agreements, which tenants have signed with the Association. The key legislation behind the tenancy agreements is the Housing (Scotland) Act 2001.

The Scottish Secure Tenancy Agreement states that anti-social means;

***“Causing or likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to anyone’s property. Harassment include causing a person alarm or distress. Conduct includes speech. A course of conduct must involve conduct on at least two occasions”.***

## 3. Confidentiality

The confidentiality of all parties involved in cases of anti-social behaviour will be respected. It is recognised, however, that parties involved in cases can often be identified from the nature of the complaints made.

## **Involvement of Others**

In responding to reports of anti-social behaviour the Association's staff may be required to approach other tenants or residents to seek confirmation or corroboration of events.

In cases of persistent or widespread anti-social behaviour the support of community groups may be sought to assist in addressing problems and to support initiatives pursued by the Association.

### **4. Receiving an ASB complaint**

1. We will assume in the first instance, that a complaint is justified and will, where appropriate, support victims and witnesses
2. Ensure support needs and/or the need for protection are identified and can be accessed by working in partnership with other specialist agencies;
3. Being sensitive to the diverse needs of victims and children irrespective of gender, race, religion, age, disability, or sexual orientation;
4. Respecting the complainant's wish to remain anonymous and where appropriate, identifying alternative methods of providing evidence. The exception to this will be where a person (including children) is considered to be at risk, or if there is a risk of serious harm to anyone involved in the situation, or when required to do so by law or by an order of a court;
5. Providing advice and assistance and a supportive environment, which encourages people to report ASB to us, Police and other relevant agencies;
6. Commencing an investigation into a complaint as soon as is reasonably possible and in accordance with the ASB service standards;
7. Providing a quick response especially in cases of harassment, violence or intimidation in accordance with the relevant service standards
8. Developing the complainant's capacity to act as a witness by building their understanding and confidence;
9. Communicating regularly with complainants to keep them informed of progress; and
10. Considering whether, due to the seriousness of the situation, a transfer to alternative accommodation is appropriate and supporting this in liaison with the local authority.

### **5. ANTI-SOCIAL BEHAVIOUR PROCEDURES**

#### **Reporting Anti-social Behaviour.**

A complaint can be made to any officer at Knowes Housing Association though in practice it is most likely to be a member Housing Team. Staff will be aware of and trained in using the procedures we have so that the complainant can receive the best service possible.

Staff will listen to the report and explain the procedure, and provide advice on what the person reporting the matter could do, what action may be taken against the alleged perpetrator, expected timescales and possible outcomes. Staff will also ask whether extra support is needed and if so, how they might be able to help provide this.

To help residents report anti-social behaviour a report can be made by whatever communications method is most suitable to the reporter; in person at our office, email, telephone, and the use of our website.

**(Where the reports of ASB relate to Hate Crime then this should be reported to the Police).**

**(Where there are reports of Drug Dealing, this should be reported to the Police and staff should not take it upon themselves to investigate this criminal activity. Staff should await the outcome of Police Investigations and any action taken by them before making a decision on the type of action that can be taken in terms of a Breach in Tenancy Conditions).**

### **Advice for Owners, Private Landlord Tenants or Letting Agents.**

The area that Knowes operates is in a mixed tenure community and we will seek the best way to find a solution to residents' problems in a fair and balanced way, and with the co-operation of all parties involved.

Complaints made from an owner or private tenant about one of the Associations tenants should be reported either by phone, 01389 877752 or by email to info@knowes.org. We will investigate the complaint and based on this investigation we will determine the appropriate level of action that will be taken. We will update the complainant on the outcome of this investigation.

Should the Association receive a complaint regarding the disposal of household waste, bulk, or the condition of the common areas, we will investigate this and if it is found that the responsible person is an owner or private tenant we will ask them to carry out the necessary remedial works. If this is not done, the Association will give a 7 day notice and if the work has not been carried out, we will clear the items and re-charge the owner for the costs associated for doing this work.

Where a complaint is lodged against an owner by either a tenant or another owner we do not have legislation at our disposal to deal with these and we will offer advice on who can assist.

For further advice on dealing with ASB, Owners and Private Tenants can contact the Police and Local Authority to seek advice on any issues that the Association are unable to assist with.

### **Handling the Case**

The case will be entered onto our recording spreadsheet and the following information will be provided to the complainant: -

- Acknowledgement Letter, (**see appendix 1**)
- Information Leaflet on ASB
- Name of officer dealing with the case
- Details of when the officer will contact them
- Requests for further information

The initial officer will ensure they take all details of the problem and contact details of the person reporting the incident to assist with good communication.

The officer dealing with the initial report will explain key points such as how to record further incidents and contact details for support agencies. Any issues relating to housing transfer requests should be dealt with at this stage if necessary so that the resident is clear whether this is a realistic option. Should the ASB incident result in the complainant being unable to continue to reside in the property due to violence or threats of violence perpetrated against them, then the case should be referred to the Local Authority to consider accessing emergency accommodation under the Homeless or potential homeless legislation.

The officer must reassure the person that they will deal with the situation sympathetically and that Knowes Housing Association takes anti-social behaviour seriously.

All complaints are categorised as follows:-

**A) Extreme ; B) Serious ; C) Nuisance / Dispute.**

Examples of each category are:-

***Category A: Extreme***

- Drug dealing
- Domestic Abuse
- Unprovoked assault
- Hate crime/other harassment
- Violent conduct towards neighbours/council/RSL staff

***Category B: Serious***

- Frequent disturbances
- Vandalism/damage to property
- Threatening behaviour

***Category C: Other Complaints / disputes***

- Infrequent disturbance
- Noise complaints
- Running a business
- Verbal harassment
- Unauthorised alterations
- Behaviour of visitors/children
- Basic breaches (i.e.) pet nuisance, stair cleaning
- Maintenance of garden/common grounds etc.
- Boundary disputes
- Family disputes affecting neighbours

The above list is not intended to be exhaustive.

## Complaint Response Timescales

The following table details the timescales for responding to complaints falling into each of the three categories listed above. These timescales should be met wherever possible, however there will be cases where the nature of the complaint and investigation may take longer than these anticipated timescales.

<b>Action</b>	<b>Category A</b>	<b>Category B</b>	<b>Category C</b>
<b>Contact Complainer</b>	<b>24 hours</b>	<b>3 working days</b>	<b>5 working days</b>
<b>Contact Neighbours / Witnesses</b>	<b>24 hours</b>	<b>3 working days</b>	<b>5 working days</b>
<b>Interview Alleged Offender</b>	<b>24 hours</b>	<b>5 working days</b>	<b>10 working days</b>
<b>Liaise with Other Agencies</b>	<b>24 hours</b>	<b>5 working days</b>	<b>10 working days</b>
<b>Case Evaluation / Action</b>	<b>2 working days</b>	<b>10 working days</b>	<b>15 working days</b>
<b>Timescale for Resolving</b>	<b>15 working Days</b>	<b>10 working days</b>	<b>5 working days</b>

## Communication

Housing staff who are managing an ASB complaint must ensure that the complainant is kept up to date with the action that has been taken as well as providing a complete outline of what has been done when the case is being closed or resolved. Communicating with the complainant is the most important part in the process of managing ASB cases as it shows the Association's commitment in making sure tenants don't feel ignored and are supported during what can be a traumatic and worrying process.

## Support For Tenants

The Housing officer must discuss what support may be needed and is available, including Victim Support, Police Scotland, West Dunbartonshire Council Services and local community groups. In some cases, particularly those involving noise, West Dunbartonshire Council Environmental Health Teams will provide support.

In serious cases, especially those involving violence, re-housing options must be discussed. All officers will have details of local authority homeless teams and other such services provided by other agencies like e.g. Woman's Aid.

Officers will ensure that where English is not the first language, translation services are made available. Officers will have details of such services and will have had training in their use.

During the case, the officer will discuss with the person reporting the anti-social behaviour how they think the case is being dealt with and what other options they would like to see the Association consider.

### **Support for Staff**

Any staff member or Contractor involved in ASB due to harassment or verbal/threatening behaviour will be supported by Management. The No Lone Visit Process will be used when dealing with this type of behaviour.

### **The Options Available to Officers to Resolve Anti-social Behaviour**

The Associations procedure document provides general details of how a case will move forward, be investigated and recorded and final actions, however, not all cases will require the same treatment and officers will take whatever action is necessary and reasonable to help resolve an anti-social behaviour problem.

The following options are just some of the methods we can address anti-social behaviour with;

- Mediation between parties
- Acceptable Behaviour Contracts, mainly used to encourage young people or children to agree to certain behaviour improvements
- Injunctions to quickly stop someone doing something
- Anti-social Behaviour Orders, legal action with possible jail sentence or fines if broken
- Conversion to a Short Secure Tenancy Agreement, (Housing (Scotland) Bill 2014).
- Police Intervention
- Possession action, where a tenant can be evicted from their home.

### **Process on Managing an ASB complaint**

1. Once the Officer receives a complaint this should be logged on the ASB register.
2. An acknowledgement letter will be sent to the accuser by the Officer confirming details ASB complaint received. Along with this should be a leaflet outlining the categories of ASB and timescales as well as other useful information on who else can be contacted such as Police.
3. Advice given by Officer about recording future incidents and reporting these to the Association and other Agency's where applicable, such as Police, Environmental Health and Council
4. Investigation of complaint carried out by Officer using evidence from any other parties involved including the Police, (Disclosure Requests can be made to Police Scotland to obtain information about our tenants).
5. Once investigation completed then Officer makes decision on whether a warning should be issued or where there is no case to answer. Warnings should be based on type of incident, the more serious, the stronger level of warning;

**Category A written warning,  
Category B written warning,  
Category C verbal warning**

For category A & B action should be confirmed in writing, and in the case of the Category C, a verbal warning, a note added to the ASB case on the ASB register.

Where the ASB reports continue and evidence supports the complaint then the next stage of the Process should be applied.

6. Second warning letter issued outlining that if problems continue then this could lead to legal action. In the case where it is a category C and the problem persists then there should also be a first warning letter and then a final warning letter issued outlining the same course of action
7. If problem does not improve then final warning issued outlining legal action and that next Course of action is NOP.
8. Ongoing issues then Officer issues a NOP. Officer updates Housing Manager.
9. Legal action option discussed with Housing Manager and once agreed, started by sending all documents and court report to Solicitors seeking legal recourse to resolve the problem.

**Court Action** – Officer should inform the tenants who have been complaining that Court action has been requested and that this could result in them being asked to provide evidence in a Court of Law. Support should be provided to the tenant at this time taking into account the apprehension that may come with this.

Officers should attend court when requested and provide documented evidence where required to support the legal proceedings. The Associations Solicitors will provide guidance on this process.

Housing Officers should inform Social Work Services of West Dunbartonshire Council of the action so they are aware that the tenant facing eviction may present themselves as homeless.

**At all stages where action has been taken, the Housing Officer should be updating the complainer as to what has been done. When a complaint has been closed the Housing Officer will send a letter explaining to the complainant what has been done and that the case has been closed, (see appendix 2 as example of letter to be used).**

## **Eviction**

**Board Responsibility** - when the courts agree to grant a Decree for repossession then the Housing Officer will prepare a report for the Management Board. The Board have the delegated authority to authorise the Repossession action and nothing will be done until the Board have the opportunity to debate and approve the action.

The Housing Officer will inform the complainant and also the perpetrator once the decision has been made. If the Eviction is approved then a date will be agreed to carry out the repossession, (this will be arranged with the Sheriff Officers who will complete the eviction process). Housing Officer along with another member of staff from the

Housing Team will attend the eviction as representatives of the Association. A Joiner should also be in attendance to complete lock changes. In some circumstances the Police should be asked to attend the eviction if it is felt that there would be a risk to staff and contractors.

Once repossession completed then any furnishings or personal belongings left in the property will be disposed of as the Association is under no obligation, or legally bound by legislation covering evictions, to store furnishings, (in some circumstances we will store the furniture to allow the evicted tenant time to remove items, this should be for no longer than 5 working days).

Once Eviction completed the Housing Officer should terminate tenancy on the Housing Management IT system confirming the Eviction (ASB) as tenancy termination reason.

### **Eviction Request Declined**

It is unusual in cases of ASB that a Sheriff will refuse to grant a Decree for eviction, however it is a possibility and has to be managed sensitively. Complainers will undoubtedly require an explanation as to why a Legal solution failed, furthermore there may well be a need to continue to deal with on-going complaints and if this occurs then it is the responsibility of the Housing Officer to rebuild a case.

It is for this reason that when considering taking legal action in the first instance the case presented at Court must be undisputable. The Associations Solicitor will advise staff of the required evidence to ensure a case is strong enough, with staff ensuring that the evidence they gather is relevant and accurately reported and that a case is not taken to court too early. This may go against demands from complainers to have a case dealt with quickly but the reasons must be explained to avoid losing a case should it require a legal solution.

### **Monitoring of Anti-social behaviour Procedure**

All cases will be recorded and monitored by Knowes Housing Association officers. Housing officers will review progress of their cases with their managers at least monthly. In more serious cases, they will review and update cases more regularly.

The Board of Management will receive quarterly performance reports on the type of ASB cases reported.

Local authorities may also require information on anti-social behaviour and officers will provide these as and when requested. Most local authorities expect housing associations to contribute to an overall approach to reducing anti-social behaviour within their neighbourhoods. The level of input from Knowes Housing Association will vary according to the West Dunbartonshire Council requests but it will usually include attendance at any anti-social behaviour forums they organise.

Knowes Housing Association will be required to provide statistical returns to the Housing Regulator each year. The Association must meet the Scottish Housing Regulators expectations on the outcomes of the Scottish Tenants Social Housing Charter.

Knowes Housing Association will on occasion send out satisfaction surveys to all residents reporting anti-social behaviour to find out how their case was dealt with.

## **Complaints and Appeals**

Should a tenant be unhappy with the way in which we dealt with an ASB complaint, then they can submit a complaint. If the tenant is still not satisfied then they can contact the Scottish Public Services Ombudsman.

Contact Details are as follows:

**Freephone 0800 377 7330** or call 0131 225 5300

### **In person**

Scottish Public Services Ombudsman, 4 Melville Street, Edinburgh, EH3 7NS

Offices open Monday, Wednesday, Thursday and Friday 9am-5pm; Tuesday 10am-5pm.

### **By post**

Freepost SPSO Scottish Public Services Ombudsman, 4 Melville Street, Edinburgh, EH3 7NS

## Appendix 1

### Acknowledgement letter

Date

Name

Address

Dear Name

Neighbour Complaint

I refer to the complaint that you submitted on the <date> regarding the following incident.

- Description of incident

The Association will investigate this complaint and once we have completed this we will then contact you to confirm what action can be taken.

In the meantime I would refer you to the enclosed leaflet that provides information on what the Association does when it receives a neighbour complaint. In terms of the complaint you have made, this falls into Category (insert category here).

If there are any further issue please do not hesitate to contact me.

Yours Sincerely

Housing Officer

## Appendix 2

### Complaint Closed

Date

Name

Address

Dear Name

#### **Neighbour Complaint – Investigation Completed**

I refer to the complaint that you submitted on the <date> regarding the following incident.

- Description of incident

The Association has now completed our investigation into this and have taken the following action.

- Outline action taken

We have now updated our records and this complaint is now closed.

Should you have any future issues then please don't hesitate to contact us again.

Yours Sincerely

**Housing Officer**