



Antisocial Behaviour Policy

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Anti-Social Behaviour Policy

1. Statement of Intent

This is a Kingdom Group policy and this policy is drawn up with reference to legislation and guidance from regulatory bodies. The purpose of this policy is to outline our aims, objectives and principles on how we respond to and manage neighbour disputes and anti-social behaviour.

We are committed to the principles of good corporate governance and sustainability and will endeavour to develop fair and consistent policies, procedures and practices.

In line with our commitment to equality and diversity, this policy can be made available in a variety of formats including large print, translated into another language or other media. We will make any reasonable adjustments to help you if you have a disability.

2. General Principles

The Scottish Social Housing Charter sets the standards and outcomes that all social landlords should aim to achieve when performing their housing activities. Charter indicator 6 is the indicator that is particularly relevant to anti-social behaviour. It states that “Social landlords, working in partnerships with other agencies, help to ensure that tenants and other customers live in well maintained neighbourhoods where they feel safe”.

We are committed to the principle that everyone has the right to peaceful enjoyment of their home without being abused and that no-one has the right to ruin that enjoyment for others by behaving antisocially. We are committed to tackling anti-social behaviour and to achieve this by working in partnership with other agencies.

In some instances, depending on the categorisation of the behaviour (see section 7 below), it may be more appropriate for other agencies such as the police or local authority to lead in the response to the anti-social behaviour particularly in instances where there is alleged criminal behaviour.

We recognise that we have a responsibility for the welfare of our residents and for protecting their rights. We expect tenants and customers to respect the rights of their neighbours to live without nuisance, annoyance or harassment. We will take appropriate remedial action where residents do not show respect for others as defined in the tenancy agreement.

In managing anti-social behaviour, our first aim is to improve the quality of life for those affected by the anti-social behaviours of others. Where a tenant, member of their household or visitor is responsible for persistent or serious nuisance or anti-social behaviour, we will take robust action to prevent that unacceptable behaviour. Such action may include:

- Mediation
- Acceptable Behaviour Contracts
- Interdicts
- Anti-Social Behaviour orders (“ASBO”)
- Legal action to repossess properties

3. What is Anti-Social Behaviour?

The law says that someone is behaving in an antisocial manner if they:

- act in a manner that causes or is likely to cause alarm or distress;
- or pursue a course of conduct that causes or is likely to cause alarm or distress and to at least one person not of the same household as them.

The law further states that:

- "conduct" includes speech;
- "a course of conduct" must involve conduct on at least two occasions;

Examples of anti-social behaviour could be:

- Excessively loud noise
- Graffiti
- Drinking or drug use which leads to people being rowdy and causing trouble
- Large groups hanging about in the street (if they are causing, or likely to cause alarm and distress)
- Fly tipping
- Racist behaviour

We recognise that behaviour which may be upsetting and cause offence to one individual may not be a problem to someone else. We will consider all allegations of anti-social behaviour based on the merits and context of each case. However, the legal definition of anti-social behaviour forms the basis of our efforts to manage it.

4. What is not Anti-Social Behaviour?

Activity that does not constitute a course of conduct or otherwise does not fall within the legal definition of anti-social behaviour, including noise related to reasonable household or everyday activity will not be treated as anti-social behaviour. Examples include:

- A neighbour using a washing machine
- The sound of a neighbour moving around normally in their adjoining property
- Children playing

5. Preventing Anti-Social Behaviour

It is our policy, where possible, to prevent, anti-social behaviour and neighbour problems arising and to respond to any incidents of anti-social behaviour both quickly and effectively. We will try to prevent anti-social behaviour problems through a range of methods including:

- Providing advice and information on anti-social behaviour problems at allocation
- Providing information on anti-social behaviour on our website and in our publications
- Having clauses in our tenancy agreements on anti-social behaviour
- Working in partnership with other agencies to adopt preventative and responsive measures to tackle anti-social behaviour
- Through the design of our developments and the houses within them we will aim to adopt features and innovations which help prevent crime and disorder and where possible adopt standards which prevent noise nuisance and clashes of lifestyle
- Proactively working with tenants to address allegations of anti-social behaviour

We will always try to achieve an amicable solution to incidents of anti-social behaviour but, where this is not possible, we will be prepared to use legal tools such as Interdicts, Anti-Social Behaviour Orders (ASBOs) and Repossession Orders (eviction) in order to challenge offending behaviour.

6. Responding to a Complaint

We will treat all allegations of anti-social behaviour seriously, and will respond to all allegations following the terms of this policy.

We have developed clear procedures on how we will respond to reports of anti-social behaviour and neighbour disputes, as well as the methods we will use to investigate them and the appropriate action to be taken on any outcomes.

If there are no courses of action available to us to address a complaint, we will tell the complainant why.

We will maintain and develop working relationships and protocols with other agencies such as the Police, Community Mediation, Local Authority Investigation Teams, Community Safety Partnerships and Environmental Health services in areas where we have housing stock in order that they can assist us in managing anti-social behaviour.

We aim to resolve all cases of anti-social behaviour within 15 working days however, as stated below, our ability to respond to each situation will depend on the complexity of the case and may be dependent on third parties.

This target has been set following consultation with our tenants. For the purposes of this policy and any associated procedures, the resolution target of 15 working days is developed based on guidance from the Scottish Housing Regulator.

Resolution in this case means that Kingdom has taken all reasonable actions to investigate and address the allegation of anti-social behaviour and have advised the affected person in writing of the outcome or the proposed next steps and any further extended timescales for full resolution.

While this policy provides guidance to staff and tenants alike, it should be recognised that our response to each situation will depend on both the circumstances and the considered judgement of the staff involved. Each instance of anti-social behaviour is different and our response to each case must be appropriate to the circumstances of that case. Customers using this policy must also have realistic expectations of what Kingdom, as well as other agencies, can do to address anti-social behaviour. Anti-social behaviour can be extremely complex and cross a number of areas of responsibility and jurisdiction which means multi-agency working will be necessary. It is often the case that we will not be able to resolve anti-social behaviour either quickly or on our own because most forms of action require cooperation between agencies and from victims to make them work.

We aim to resolve all cases of anti-social behaviour within 15 working days. This target has been set following consultation with our tenants. For the purposes of this policy and any associated procedures, the resolution target of 15 working days is developed based on guidance from the Scottish Housing Regulator. Resolution in this case means that Kingdom has taken all reasonable actions to investigate and address the allegation of anti-social behaviour.

It is acknowledged that this is not the same as saying that a case has necessarily been resolved to the full satisfaction of the complainant. It is recognised that further actions may be considered if the antisocial behaviour continues.

At the point of resolution the outcome of the investigation, and any actions taken, will be communicated to the complainant and perpetrator of the alleged anti-social behaviour.

7. Categorisation of Anti-Social Behaviour

We divide anti-social behaviour into four broad groups which determine the way we will deal with them. We have done this to indicate to our customers what we can and cannot deal with. In all instances we will aim to establish clear corroboration of the evidence indicating anti-social behaviour in order to appropriately categorise and manage the behaviour

Category A Disputes

Some disputes are clear breaches of Tenancy examples of which could include:

- poorly kept gardens
- repairing motor vehicles
- running a business from the property which is causing nuisance
- nuisance caused by pets such as dog fouling
- noise disputes

We will generally manage these complaints ourselves.

Category B Disputes

Category B disputes generally involve partnership working with other agencies to address them. Some examples are given below:

- drug dealing and anti-social behaviour arising from substance misuse
- threats of violence or assault
- youth disorder
- harassment
- serious noise nuisance
- Anti-social behaviour of a criminal nature

Category C Disputes

Many disputes, especially those involving low level anti-social behaviour by families and children and clashes of lifestyle or personality, can be resolved by community mediation. In these instances there will be an early referral to specialist agencies. Where an individual requires support, other appropriate agencies may be able to help.

Category D Disputes

These are disputes where there is generally not a role, or only a limited role, for Kingdom or any other agencies. Some examples are given below:

- clash of personalities and lifestyles and the parties will not participate in community mediation, or it is not appropriate
- no clear anti-social behaviour or breach of tenancy exists
- there are no witnesses, evidence or corroboration of anti-social behaviour

We would also include domestic incidents, abuse or violence in this category D as these are managed in accordance with our Domestic Abuse Policy rather than being considered to be anti-social behaviour

8. The Misuse of Drugs and Illegal Substances

We recognise that there are many complex issues in society around the misuse of drugs and other illegal substances.

Drug misuse does not always lead to anti-social behaviour and nuisance and, where residents who have a drug problem are working with and being supported by other agencies, we will provide additional support if appropriate.

However, where any resident is convicted of dealing in drugs or is causing a nuisance to their neighbours as a result of their dealing or misuse of drugs, we will use all the legal remedies available to us to bring an end to the nuisance.

Ultimately this may end up resulting in legal action to end the tenancies of those convicted of drug dealing or of causing anti-social behaviour as a result of their misuse of drugs or illegal substances.

9. Service Complaints

Customers who are unhappy with the way their neighbour dispute is dealt with should refer to our Compliments & Complaints Policy

10. Monitoring and Review

Regular reports will be submitted to Kingdom Housing's Board of Management and Kingdom Initiatives Board of Directors as part of our performance reporting. This policy will be reviewed 5 years from the date of implementation or latest review, which will be the date the policy is approved by the Board of Management, or earlier if needed. In the event that this policy is not reviewed within the above timescale, the latest approved policy will continue to apply.

KINGDOM GROUP: ANTI-SOCIAL BEHAVIOUR POLICY

Policy drawn up with reference to:

Equality Act 2010

Housing (Scotland) Act 2001 as amended Housing (Scotland) Act 2010 and Housing (Scotland) Act 2014

Data Protection Act 2018

Criminal Justice (Scotland) Act 2003

Antisocial Behaviour Etc. (Scotland) Act 2004

Scottish Social Housing Charter

Original policy approved by KHA Board: February 2018

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Next Review: March 2028