



Muirhouse Housing Association

MUIRHOUSE HOUSING ASSOCIATION

Title of Policy: Anti-Social Behaviour and Harassment Policy

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Lead Officer: Stephanie Sedstrem

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If you have difficulty with reading this policy, including any difficulties with sight or hearing, or if you require this document translated into another language, please contact us and we will be happy to provide this information in a format that suits your needs.

Our Vision, Our Mission, Our Values

Our Vision is an engaged, thriving, desirable and eco-friendly Muirhouse with high quality, truly affordable and greener homes.

Our Mission - We will provide high quality, truly affordable homes and services for residents and strengthen our engagement and partnerships to enrich the community and safeguard our environment.

Our Values - In upholding our central value of providing high quality, affordable homes and services, our behaviours and decisions will demonstrate our commitment to

Excellence: Ensuring the highest standards in all that we do and innovating to continually improve. Across the MHA Group, we are committed to providing a high quality, customer focused service that demonstrates value for money.

Caring: Being compassionate about and responding appropriately to the needs of our residents, staff, and Board.

Mutual Respect: Valuing the views, knowledge, expertise, and skills of others and collaborating to achieve good outcomes for residents, staff and the Association. We will continue to be a leading member of the local community, working with our customers and statutory, voluntary, and private sector partners.

This policy applies to

Staff and Tenants of Muirhouse Housing Association.

Policy Summary

This policy outlines the steps that the Association will take in dealing with ASB from minor neighbour disputes to more serious behaviour. It details the 3 categories of behaviour, timescales to respond and potential remedies. Also, how the policy will be monitored and reviewed.

Equalities

Muirhouse Housing Association are committed to ensuring people or communities do not face discrimination or social exclusion due to any of the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex or sexual orientation. This document complies with our Equality, Diversity and Inclusion Policy.

Privacy

This policy has been developed and will be applied in compliance with General Data Protection Regulations (2018).

Compliance

SHR Regulatory Standards

Standard 2: The RSL is open about and accountable for what it does. It understands and takes account of the need and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.

Standard 5: The RSL conducts its affairs with honesty and integrity.

Scottish Social Housing Charter Outcomes & Standards:

Outcome 1 – Equalities

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

Outcome 2 – Communication

Tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.

Outcome 6 – Estate Management, Antisocial Behaviour, Neighbourhood Nuisance and Tenancy Disputes

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.

Outcome 11 – Tenancy Sustainment

Tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations.

Related Policies

Estate Management
Allocations
Reactive Repairs
Complaints

Contents Page

1. Introduction	5
2. Purpose of the Policy	5
3. Aims and Objectives of the Policy	5
4. Legal and Regulatory Framework	5
5. Approach and Method	7
6. Implementation of the Policy	10
7. Monitoring	11
8. Complaints and Appeals about the Policy	11
9. Anti-Bribery	11
10. Review	11

1. Introduction

1.1 Muirhouse Housing Association recognises that most of our tenants are good neighbours and contribute to the well-being of the community. However, where any incident occurs of antisocial behaviour, nuisance or harassment we will act quickly, impartially and effectively to ensure that all our tenants can feel safe in their homes and enjoy their neighbourhood.

1.2 This policy lays out the framework within which we will manage and deal with neighbour disputes, neighbour nuisance, and antisocial behaviour.

1.3 The Housing (Scotland) Act 2001 defines antisocial behaviour as:

“any conduct causing or likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to anyone’s property”. Section 143 of the Antisocial Behaviour etc (Scotland) Act 2004 states that *“a person engages in antisocial behaviour if they (i) act in an antisocial manner that causes or is likely to cause alarm or distress, or (ii) pursues a course of conduct that caused or is likely to cause alarm or distress, to at least one person who is not of the same household. Conduct includes speech and a course of conduct must involve conduct on at least two occasions”.*

2. Purpose of the Policy

2.1 The purpose of this policy, along with the procedure, is to set out the Association’s position in respect of managing ASB and provide a framework for staff guidance. The response to each situation will depend on both the individual circumstances and on the judgement of staff involved.

3. Aims and Objectives of Policy

This policy will aim to:

- provide a framework for staff dealing with ASB.
- ensure consistency of service and approach to all tenants.
- take positive and decisive action in responding to and investigating complaints of ASB.
- make use of all appropriate measures for the early resolution of complaints.
- provide information, advice and assistance to all tenants in relation to ASB.
- ensure the effective and appropriate sharing of information between partners, Police Scotland and all other relevant agencies.

4. Legal and Regulatory Framework

4.1 This section outlines the key areas of legislative provision under which the Association can take action against perpetrators of ASB. There are other remedies aside from legal ones and section 5.9 notes when legal or other remedies would be used.

- 4.2 The Chief Executive (CE) will have delegated authority from the Board of Management to approve the use of legal remedies. The CE will report to the Board on the outcome of these actions.
- 4.3 **Notice of Proceedings (NOP):** this notice may be served under the appropriate 'conduct' grounds detailed in Part 1, Schedule 2 of the Housing (Scotland) Act 2001.
- 4.4 **Anti-Social Behaviour Order (ASBO):** an ASBO is issued by the court for individuals over 12 years old who are involved in ASB within any given areas. These can be applied for by either the local authority or the Association. They can be sought against tenants, any member of a tenant's household or any other member of the public. An ASBO can be craved whether by civil proceedings or on conviction of a criminal offence. A breach of an ASBO is a criminal offence with powers of arrest.
- 4.5 **Short Scottish Secure Tenancy (SSST):** The Housing (Scotland) Act 2014 gave social landlords additional power to convert an existing tenant's Scottish Secure Tenancy (SST) into a SSST or to grant a new tenant an SSST in cases where there is evidence that the tenant, a member of their household or a visitor has been involved in ASB in or near their home within the last three years.
The length of time a SSST can be in place is a minimum of 12 months, with provision for the landlord to consider a further six-month extension. The purpose is to allow landlords more time to work with tenants with a view to encouraging positive changes in behaviour as an alternative to repossession proceedings. The landlord has to show that the appropriate housing support has been put in place. If there are no repossession proceedings at the end of the period, the tenancy reverts to a SST.
- 4.6 **Interdict/Interim Interdict:** an interim interdict is an order of the court requiring the person to whom it is addressed to stop doing something that is legally wrong. This could be used when a problem involves damage to property or threats to staff. An Action for specific implement is a court order requiring a person to carry out the terms of their tenancy agreement for example stair cleaning or maintaining common areas.
- 4.7 **Repossession Orders:** The Housing (Scotland) Act 2001 has three grounds that a repossession order would be sought:
- Ground 2 – the tenant, a person staying in the house or a person visiting the house has been convicted of using the house for immoral or illegal purposes or has been convicted of an offence punishable by imprisonment committed in, or the locality of the house.
- Ground 7 – the tenant, anyone living with him/her or someone visiting the house has acted in an anti-social manner or pursued a course of conduct amounting to harassment of anyone living or visiting the locality.
- Ground 8 – The Tenant (or any one joint tenants), a person residing or lodging in the house with, or any sub-tenant of, the tenant, has been guilty of conduct in or in the vicinity of the house which is a nuisance or annoyance, or has pursued a course of conduct amounting to harassment of a person residing in, visiting or otherwise

engaged in lawful activity in the locality, and in the opinion of the landlord it is appropriate in the circumstances to require the tenant to move to other accommodation.

5. Approach and Method

5.1 Preventative Measures: will be taken by the Association to stop ASB before it begins.

It will be made clear to new tenants at interview, the sign up and the settling in visits that ASB is not acceptable; a summary of this policy will be part of the tenancy sign up pack. As mentioned at 4.5 the use of an SSST is permitted within the Housing (Scotland) Act 2014, and approval from the Management Committee would be sought if this measure was warranted.

5.2 Intelligence: The Association is often given information/intelligence from tenants where they do not want to make an official complaint as it relates to criminal activity.

This intelligence will be passed to Police Scotland and the behaviour may at some point return and be raised by the Association as Category 3 behaviour.

5.3 Reporting of ASB

ASB can be reported to The Association,

- In person
- By phone
- By text message
- By email
- By letter
- Using the Noise App for recording noise complaints.

5.4 Anti-Social Behaviour: to provide consistency the Association will categorise ASB into three areas, with the higher the category the more extreme the behaviour, these are detailed below:

Category 1 Complaints/Nuisance/Disputes

- Infrequent disturbance
- Noise complaints
- Running a business
- Verbal harassment
- Unauthorised alterations
- Behaviour of visitors/children
- Basic breaches e.g. pet nuisance
- Maintenance of garden/common grounds etc
- Family disputes affecting neighbours.
- Fly tipping

Category 2 - Serious and persistent behaviours

- Frequent disturbances

- Vandalism\damage to property
- Threatening behaviour
- Excessive and persistent noise
- Vandalism to Association property
- Alcohol and drug misuse

Category 3 – Extreme

- Drug Dealing
- Unprovoked serious assault
- Hate crime/other harassment.
- Violent conduct towards neighbours/staff
- Intimidation
- Serious damage to property including fire raising.
- Other criminal behaviour, that is entirely within the remit of Police Scotland, but certain action may also be taken by the Association.

5.5 **Timescales:** The Association will have recommended timescales for dealing with each category of complaint; these reflect the timescales of MHA complaints policy, and are:

Category	Acknowledgement	Resolution/Plan
1	1 Day	5 Days
2	3 Days	20 Days
3	3 Days	20 Days

Category 1 is the most common types of behaviour and should be resolved within the timescales, Categories 2 and 3 are more serious and will, due to their nature, require more investigation. It should be acknowledged that where there is criminal activity a swift resolution is unlikely, however within 20 days the person suffering from ASB will have a plan of how the complaint will be dealt with.

5.6 **Case Management:** each complaint will be assigned as a case to the appropriate member of staff. There will be an electronic case file opened to save all documentation relating to that complaint. There will be a database to give an overview of the status of all cases and record compliance and performance against timescales.

5.7 Health and Safety

- We are committed to ensuring that the health and safety of staff involved in dealing with antisocial behaviour is protected wherever possible. Training and guidance will be given to relevant staff.
- It is the responsibility of line managers to ensure that support is provided to staff involved in dealing with antisocial behaviour cases, ensuring that staff are provided with practical support and guidance as required and seeking

assistance from other appropriate members of staff and external agencies as required.

- Accompanied visits with staff or Community Police Officers will be encouraged in cases of severe antisocial behaviour or where mental health issues are suspected.
- Care will be taken to safeguard the welfare, security and safety of staff by following our Health and Safety Policy and its associated procedures including risk assessment measures, and other relevant Human Resources Policies
- Staff have access to the Safeshores Archangel location monitoring App. Staff will log their location with Archangel and advise if the visit is likely to be a green (low risk) or Amber (medium risk) visit. Staff can also trigger an emergency on the app. Archangel then record interactions, monitor the situation and if needed contact the Police or staff in the office for back up as required.

5.8 Victim Support: The Association recognises that taking action to deal with those responsible for ASB must be complemented by awareness of the needs of the victims of such behaviour and we will aim to use the following methods:

- Summary of policy and process, and various agencies to contact should the problems persist.
- Keep the tenant making the complaint fully informed of progress with actions taken and expected outcomes.
- Issue an incident diary to record all issues – (this may be electronic)
- Advise on support agencies and make referrals where appropriate.
- Remove racist or obscene graffiti within 24 hours.
- In extreme cases offer advice and assistance on rehousing options
- Consider practical remedies e.g., additional estate management visits by staff, improve lighting.

5.9 Perpetrator and Potential Remedies: there are different levels of remedies for each of the categories as the seriousness of the case increases, noted against each category is a potential remedy staff may pursue, the remedies grow in seriousness to reflect the behaviour.

Category 1

- Mediation
- Intervention of Housing Officer
- Reminder of acceptable behaviour
- Warning

Category 2

- Mediation – provided no intimidation or violence involved in the behaviour.
- Acceptable Behaviour Contract (ABC)

- Final Warning
- SSST – with support
- Interim Interdict/Action for Specific Implement

Category 3

- NOP
- Interim Interdict/Action for Specific Implement
- Repossession Order

5.10 **Partnership working:** The Association will work in partnership or get advice from other agencies to alleviate ASB and these include but are not restricted to:

- City of Edinburgh Council
- Local projects
- Community Safety team
- Police Scotland
- Mediation Services
- Youth Offending team
- Scottish Children’s Reporter
- Victim Support
- Advocacy Services
- Registered Tenants Associations/Organisations
- Community Groups and Community Associations
- Social Care and Health Services
- Scottish Fire and Rescue
- Scottish Prison Service

6. Implementation of the Policy

6.1 The Board of Management, in its formal approval of the policy acknowledges that it accepts full responsibility for its implementation. Day to day responsibility for the operation and monitoring of the policy is delegated to the Chief Executive and senior staff. All relevant staff have a responsibility to ensure that the policy is applied as instructed.

6.2 Implementation of the policy will be supported by:

- Devising detailed procedures to accompany the policy: responsibility for developing supporting procedures is delegated to the Housing Team.
- Communication with staff and tenants about the policy and procedures and any subsequent amendments.
- Staff training.
- Monitoring and internal audit of adherence to policy requirements and procedures.

7. Monitoring of the Policy

7.1 Performance monitoring of ASB will be reported to the Board of Management on a quarterly basis and to the Scottish Housing Regulator on an annual basis as part of the Annual Return of the Charter.

7.2 Tenants are asked within the satisfaction survey how satisfied they are with the handling of anti-social behaviour.

8. Complaints and Appeals about the Policy

8.1 We recognise that in the delivery of our services to customers there may be occasions when a customer is not satisfied with the way a particular issue was dealt with. Tenants, their representatives or others who use our service can make a complaint to any member of staff who will try to resolve the matter straightaway. If this is not possible, we will make sure the matter is fully investigated in line with our complaints policy and procedure. Copies of these are available from our office or on our website. Feedback from complaints will be used to help improve our service.

9. Anti- Bribery

9.1 We are committed to the highest standards of ethical conduct and integrity in all our activities and, in order to ensure compliance with the Bribery Act 2010, we have introduced an Anti-Bribery policy and procedures. These must be adhered to by all employees, Board Members and associated persons or organisations acting for or on our behalf when undertaking any actions referred to in this policy.

10. Review

10.1 This policy will be reviewed every 3 years unless key changes are required earlier to comply with legislation, guidance, or new learning.

10.2 As part of this review, consultation will take place with staff and customers to ensure that operational issues and the opinions of customers are considered.

10.3 The effectiveness of accompanying procedures and guidance will be monitored on a regular basis and, where applicable, amended as required operationally; or to reflect legislative changes.

10.4 Where references are made to specific job titles, roles, groups or committees, such references shall be deemed to include any changes or amendments to these job

titles, roles, groups, or committees resulting from any restructuring or organisational changes made between policy reviews.