



ANTI –SOCIAL BEHAVIOUR POLICY (2019)

1.0 PURPOSE

- 1.1 The purpose of this policy is to ensure the Association effectively responds to anti-social behaviour complaints and that victims/witnesses receive appropriate support.
- 1.2 The procedures detailed within this section are intended to facilitate the effective management of anti-social behaviour, ensuring that all reasonable steps are taken to comply with the Antisocial Behaviour etc. (Scotland) Act 2004, Housing (Scotland) Act 2014 and all other relevant pieces of legislation.

2.0 POLICY AIMS

- 2.1 Ochil View Housing Association believes that anti-social behaviour is unacceptable.
- 2.2 The aim of this policy is to ensure the Association effectively responds to anti-social behaviour complaints and that victims/witnesses receive appropriate support.
- 2.3 The procedures detailed within this section are intended to facilitate the effective management of anti-social behaviour, ensuring that all reasonable steps are taken to comply with the Antisocial Behaviour etc. (Scotland) Act 2004, Housing (Scotland) Act 2014 and all other relevant pieces of legislation.
- 2.4 We aim to prevent anti-social behaviour from taking place and reduce its effect on people and neighbourhoods when it does occur.
- 2.5 Anti-social behaviour can seriously affect the quality of life of our tenants and residents. We believe that our tenants and residents should consider their homes and neighbourhoods to be safe and attractive places to live.
- 2.6 The purpose of this Policy is to outline the measures Ochil View Housing Association will take to reduce the incidence and severity of anti-social behaviour. Overall, we aim to achieve a reduction in the incidence of anti-social behaviour and react effectively where it does occur to reduce its severity. We will take a preventative and pro-active approach to anti-social behaviour that can tackle problems quickly, sensitively and effectively.
- 2.7 We aim to increase the percentage of tenants who are satisfied with the management of their neighbourhood as a place to live. Periodic tenant surveys will assess whether we have achieved this. Our measures to tackle anti-social behaviour will be one factor influencing tenant's views of their neighbourhood and how it is managed.
- 2.8 Social Housing Charter Outcome 6 requires that "We will work in partnership with others to help to ensure that our tenants live in well maintained neighbourhoods where they feel safe".

3.0 REFERENCES

- ✓ Antisocial Behaviour etc. (Scotland) Act 2004
- ✓ Crime and Disorder Act 1998
- ✓ Data Protection Act 1988
- ✓ Equality Act 2010
- ✓ Housing (Scotland) Act 2001
- ✓ Housing (Scotland) Act 2014
- ✓ Human Rights Act 1998
- ✓ Protection from Harassment Act 1997
- ✓ The Environmental Protection Act 1990
- ✓ The Noise Act 1996
- ✓ The Scottish Social Housing Charter

4.0 OBJECTIVES

The Policy will deal with anti-social behaviour by:

- Reducing the opportunity for anti-social behaviour to arise by careful design, by achieving "Secured by Design" accreditation in new build developments and implementing Secured by Design principles in planned maintenance programmes.
- Providing good quality information about our anti-social behaviour service to encourage good tenancy relations and inform the expectations of people who report anti-social behaviour.
- Responding within target times to reports in an effective, sensitive and consistent manner, undertaking thorough investigations, keeping accurate records and informing complainants of progress and decisions that have been made.
- Encouraging communication between those experiencing anti-social behaviour and those responsible for anti-social behaviour through mediation to tackle problems early and to reduce the risk of escalation.
- Ensuring that our management of anti-social behaviour complies with the law and good practice.
- Supporting complainants.
- Facilitating a multi-agency approach with Clackmannanshire and Fife Councils, Police Scotland and other agencies to maximise the resources available to address anti-social behaviour and tackle the causes and consequences of anti-social behaviour.
- Developing procedures that guide staff through the process of investigating, recording and resolving anti-social behaviour.
- Monitoring and reviewing the effect and outcomes of our actions.

5.0 DEFINITION

- 5.1** Anti-social behaviour can involve incidents from minor nuisance, noise and neighbour disputes through to serious violence, crime and intimidation. Anti-social behaviour may be closely related to breaches of conditions of tenancy addressed in our Estate Management Policy.

Section 143 of the Anti-social Behaviour (Scotland) Act 2004 defines anti-social behaviour as: “acting in a manner which causes or is likely to cause alarm or distress or pursuing a course of conduct which causes or is likely to cause alarm or distress to a least one person who is not of the same household”, where “Conduct” includes speech and “course of conduct” includes at least 2 occasions.

- 5.2** The Antisocial Behaviour Etc. (Scotland) Act 2004 provides the legal definition of antisocial behaviour as:-

“a person engages in antisocial behaviour if the person- (a) acts in a manner that causes or is likely to cause alarm, distress, nuisance or annoyance; or 2 (b) pursues a course of conduct that causes or is likely to cause alarm, distress, nuisance or annoyance, to a person residing in, visiting or otherwise engaging in lawful activity at, or in the locality of, a relevant house.”

- 5.3** Within these legal definitions, we consider anti-social behaviour to be

- Noise;
- Rowdy behaviour such as shouting, swearing and fighting;
- Intimidation of neighbours and others through threats or actual violence;
- Harassment, including racial harassment, sexual harassment or sectarian aggression;
- Verbal abuse;
- Vandalism, property damage and graffiti;
- Drug dealing;
- Animal nuisance, including dog fouling;
- Dumping rubbish;
- Failure to keep communal areas clean and tidy (i.e. stairs, closes, bin areas etc.);
- Failure to maintain the garden at a reasonable standard;
- Running a business from the rented property.

6.0 PREVENTING ANTI-SOCIAL BEHAVIOUR

- 6.1** In housing design and maintenance

We will reduce the likelihood of anti-social behaviour by building and maintaining our properties to standards that minimise the opportunity for lifestyles to conflict. The Association’s design standards are set out in our design guide, however the most relevant features are:

- “Secured by Design” standards for all new build developments
- Consideration during the design process to identify opportunities for the possible conflict of lifestyles and taking action to remove these, where possible.

- Planned maintenance to observe “Secured by Design” principles, for example in the selection of doors, windows, fencing etc. when these building elements are replaced or renewed.
- Comments from tenants and residents made in Post Completion surveys are considered for lessons to improve future design and layout.

6.2 In Housing Allocation

Anti-social behaviour is more likely to occur when prospective tenants have been responsible for anti-social behaviour in the past. Our arrangements for dealing with housing applicants who have, or whose household members have, a record of previous or current anti-social behaviour, including eviction and anti-social behaviour orders are set out in our Allocations Policy. The main features are:

- We will suspend the Housing registrations of persons with a documented history of anti-social behaviour from receiving an offer of tenancy until they show that anti-social behaviour is unlikely to recur and that there are valid reasons that support a view that their behaviour and conduct have changed.
- Applicants, selected through our Allocations Policy to receive an offer of accommodation and who have a documented history of anti-social behaviour within the last 3 years will receive an offer of housing on Short Scottish Secure Tenancy Terms.

6.3 In our Conditions of Tenancy

We will ensure that tenants understand their conditions of tenancy and understand the action the Association will take if they do behave anti-socially. The Association uses a Scottish Secure Tenancy and Short Scottish Secure Tenancy Agreement that contains appropriate clauses to define Anti-Social Behaviour and advise tenants of the consequences of breaching these conditions. These are set out in detail in our Scottish Secure Tenancy and Short Scottish Secure Tenancy but the main points are that tenants must not:

- make excessive noise
- fail to control pets properly
- allow visitors to be noisy or disruptive;
- use the house for illegal or immoral purposes;
- carry out acts of vandalism;
- leave rubbish in unauthorised places;
- allow members of their household (or household members for which they are responsible) to cause nuisance or annoyance
- harass or assault any person in the house, or neighbourhood,
- Use or carry offensive weapons.
- Use or sell unlawful drugs or sell alcohol
- bring into the house or store in the house any type of firearm or firearm ammunition unless they have a permit and have first obtained our permission

These conditions of tenancy will be reinforced by a Tenant’s Handbook that describes the Association’s Policy for dealing with Anti-Social Behaviour, a verbal explanation and discussion of the conditions of tenancy at the beginning of the tenancy and at the New Tenancy visit (normally carried out within 6 weeks of the beginning of tenancy).

6.4 In the condition of our developments and estates

We will regularly inspect and record the condition of estates (as set out in the Estate Management Policy), to identify vandalism, graffiti, damage, fly tipping etc. and address these quickly through taking action to repair or remove them, thereby supporting persons who experience anti-social behaviour and demonstrating that anti-social behaviour is not tolerated. During such inspections we will look for any possibility of activity related to the supply and cultivation of drugs, terrorism related activity or to human trafficking. These serious crimes will be immediately reported to the responsible authorities.

7.0 DEALING WITH ANTI-SOCIAL BEHAVIOUR

7.1 Establishing Responsibility

The first stage following a report is to establish whether the matter is appropriate to be investigated by the Association. This will usually be the case where the alleged persons responsible are the tenants of the Association or residents within Ochil View property. Alternatively, where the anti-social behaviour is affecting the community in general or is taking place in public places like shopping centres, parks, etc. the lead agency will be the local authority or the Police. If the report is not the responsibility of Ochil View to take action or investigate the person making the report will be informed and given advice as to the appropriate agency to which the report should be directed.

7.2 Scottish Housing Charter Indicator

The Scottish Housing Charter Indicator asks for the percentage of anti-social behaviour cases reported in the last year which were resolved within locally agreed targets. The definition of resolved is:-

- Where the landlord has taken appropriate measures, as set out in its ASB policies and procedures, to address the cause of the anti-social behaviour complaint and has advised the complainant of the outcome; or
- Where the landlord does not have the authority or powers to resolve and it has provided a full explanation of the landlord's position to the complainant.

7.3 Our response targets

We recognise that anti-social behaviour can have a serious effect on complainants and therefore aim to respond as quickly as resources allow. We acknowledge that complaints that are not addressed promptly may lead to escalation. We therefore set out the following timetable for response.

Type 1	<u>Anti-social behaviour affecting people</u> We aim to resolve within 15 days
Type 2	<u>Anti-social behaviour affecting communities</u> We aim to resolve within 21 days

This categorisation is flexible. If a Housing Services Officer feels that the circumstances of a particular report require a more rapid response they have the discretion to make this decision and prioritise the complaint accordingly.

7.4 Guide to Anti-social behaviour classification by response category

	Personal	Environmental
Rowdy/Intimidating groups	✓	
Ant-social drinking	✓	
Drug dealing or misuse	✓	
Intimidation or harassment	✓	
Noise nuisance	✓	✓
Public swearing or fighting		✓
Dumping/Fly tipping		✓
Animal related issues		✓
Vehicle related issues		✓
Graffiti		✓
Littering		✓
Abandoned vehicles		✓
Vandalism		✓
Off road motor biking		✓
Use of fireworks/firearms/air weapons		✓

These classifications address the most commonly occurring sorts of anti-social behaviour within our stock. Other types, if arising, should be referred to management for advice and guidance.

- 7.5** Initial reports are the first opportunity to collect and provide information and are the basis of future investigation and action. The Report Sheet should be used. Persons reporting anti-social behaviour should be sent the Advice and Information Sheet.
- 7.6** The Association recognises that certain types of anti-social behaviour may be aggravated by reference to race, religion or faith, disability, sexual orientation, or transgender identity. Such incidents may be classified as “Hate Crime” Incidents requiring an immediate response should be reported to the Police. They may also be reported using the Hate Crime Report Form.
- 7.7** The Association is a member of Happy to Translate. We will provide translation, interpreting and communication support when necessary, free of charge to the service user.
- 7.8** Arrangements for removing graffiti, repairing vandalism and criminal damage will be addressed with all possible urgency, mindful of the need to preserve evidence of a crime and provide information to our insurers, who may wish to inspect damage before it is repaired to validate the claim.
- 7.9** We recognise the needs of persons who report anti-social behaviour to receive accurate and helpful information. We will publish a leaflet that will be given to complainants setting out;
- ✓ The Association’s response to anti-social behaviour generally
 - ✓ What they can do to assist in dealing with the problem
 - ✓ How we will keep them informed during our investigations

- ✓ Other agencies that may be able to assist them
- ✓ What they can do if they are dissatisfied with our response.

This leaflet should be provided to the complainant at the earliest opportunity. The complainant should be asked, if appropriate to record further incidents using the Incident Diary.

The Association has set out a policy statement on dealing with Unacceptable Actions by service users. Staff who receive reports of anti-social behaviour should consider the requirements of the Unacceptable Actions Policy if they experience unacceptable actions, unreasonable behaviour, unreasonable demands or unreasonable persistence from persons who report anti-social behaviour and should take appropriate action as set out in the Unacceptable Actions Policy if this does occur.

8.0 DIARY AND RECORD KEEPING

Full documentation of actions taken and evidence gathered in relation to all anti-social behaviour is essential and documents should be kept and attached to the record in Complaints Register.

9.0 INFORMATION SHARING AND CONFIDENTIALITY

9.1 The Association respects the privacy and confidentiality of each case and is aware of the legal obligations under the Data Protection Act 1988, however, in some cases the Association may be required to exchange information with external agencies. The Association will only share information with other agencies where it is lawful to do so in order to prevent and protect its communities from anti-social behaviour. The type of information which may be shared includes, but is not limited to:

- The nature and location of incidents of anti-social behaviour;
- Personal information as to complainants and witnesses;
- Details of relevant visits to the property by agencies including the police;
- Convictions, cautions, reprimands, bail conditions, progress of criminal cases.

9.2 The sharing of information is vital to tackling anti-social behaviour and developing effective joint working with local agencies. Ochil View has Information Sharing Protocol with the Forth Valley and Fife Area Commands of Police Scotland. This outlines procedures and protocols for sharing information to prevent and tackle anti-social behaviour.

9.3 The disclosure of information between all agencies involved in tackling anti-social behaviour in Clackmannanshire is covered by a Disclosure Protocol within the anti-social behaviour strategy. This includes information for public space Closed Circuit Television monitoring which may be useful in identifying those responsible for anti-social behaviour.

9.4 Ochil View will treat all information provided by a person reporting anti-social behaviour as confidential and will only be passed to external agencies where disclosure protocols exist. This may include where we consider a vulnerable person is "at risk" in any situation.

10.0 SUPPORT FOR PEOPLE WHO REPORT ANTI-SOCIAL BEHAVIOUR AND WITNESSES

Ochil View is committed to supporting individuals who are affected by anti-social behaviour. This is crucial to the success of the service. If we are to effectively tackle anti-social behaviour, we must encourage people to report incidents and come forward to act as witnesses. We understand that people who report antisocial behaviour may feel unsafe in their homes and communities, and that they may feel threatened by the possibility of reprisal.

We support people who report anti-social behaviour and witnesses by:

- Dealing with reports promptly and effectively;
- Liaising with external agencies who may be able to assist;
- Reminding people who report that anti-social behaviour should also be reported to the Police if it is criminal behaviour;
- Keeping the person reporting the behaviour informed of progress throughout any investigation and follow-up action.
- Advising the person reporting the behaviour of the action we plan to take after we have carried out our initial interview and we will advise the person reporting the behaviour when we will contact them again at each stage of our investigation.
- Telling the person reporting the behaviour if our investigations are “closed”, for example because we have taken appropriate action or because we cannot find a basis on which to proceed further.
- Reminding, at the end of our investigations, the person reporting the behaviour of their right to use the Association’s Complaints Procedure if they feel we have not acted in accordance with our procedures during the investigation.
- Prevailing upon external agencies to act as rapidly as possible. There may be an interim period while we are waiting for others to take action. We will update complainants on the progress of their complaint at least each 30 days.
- Advising and referring to support services such as Victim Support
- Responding to criminal damage or graffiti with all possible urgency
- Providing, where appropriate, additional or enhanced security measures such as windows and door locks
- Considering a transfer request, when there is risk of violence and where the victim wishes to do so. The arrangements for this are set out within the Allocation Policy and immediate rehousing will usually require that the complainant is considered to be “homeless” by the local authority.
- Additional security measures will be instructed, where appropriate, through existing reactive repairs arrangements
- Full details for ensuring security in residents homes and in common areas are set out in our Home Security (LSM) Policy 2018

11.0 MEASURES AVAILABLE TO THE ASSOCIATION FOR TACKLING ANTI SOCIAL BEHAVIOUR

Since the Anti-social Behaviour (Scotland) Act 2004 came into effect, the range of legal and non-legal remedies is more complex than before.

NON LEGAL REMEDIES

11.1 Advice and information

The provision of advice may be effective in resolving certain complaints. Occasionally, the perpetrator may not be aware their behaviour is causing nuisance or annoyance. Often, less serious breach of tenancy conditions is likely to involve the Housing Services Officer visiting both parties and, if satisfied that a breach has occurred, giving advice or a warning as to the consequences of a recurrence.

In the context of advice, it may be that another agency such as a Local Authority Department or Service is the appropriate service provider to address a particular problem of anti-social behaviour. It is important that residents can access this information to allow problems to be dealt with early and effectively. Staff will make residents aware of all options available and promoting relevant services through newsletters, sign-ups, new tenant visits and the Ochil View Anti-Social Behaviour leaflet.

11.2 Interviews and Letters

A warning letter is a useful tool in tackling anti-social behaviour. This will generally follow a formal interview recorded in writing. The letter will outline what needs to be done and what the potential consequences will be if the anti-social actions do not cease.

11.3 Mediation

Ochil View Housing Association believes mediation is an effective intervention method that can prevent neighbour disputes from escalating. Mediation can help people who are in dispute to reconcile their differences themselves rather than having a solution imposed on them from outside. However, mediation is only appropriate when both sides voluntarily chose it. Moreover, mediation is inappropriate in cases that involve violence, harassment or intimidation. The Association can access resources through its local authority partners. Mediation will be used where the anti-social behaviour is of a less serious nature and when it is anticipated the neighbours can reach a solution themselves, and if appropriate to allow this, rather than having a solution imposed.

11.4 Acceptable Behaviour Contracts

An acceptable behaviour contract is a written agreement between the perpetrator, the Association (and the Police, if the behaviour is or could be criminal in nature). If the perpetrator is aged between 12 — 16 years of age the consent of the parents will be required.

The agreement requires that the perpetrator must not continue with certain acts which could be considered anti-social behaviour. The contract will set out what is and what is not acceptable behaviour. Generally, the agreement will normally last 6 months and will be reviewed periodically. The acceptable behaviour contract has no legal status. However, if the terms of the contract have been breached, it is a valuable source of evidence in the pursuit of legal remedies.

An unacceptable behaviour notice can be used where an individual refused to sign an acceptable behaviour contract. The aim is to make the person aware of their actions and the consequences of continuing with their behaviour. Again, this does not have any legal standing, although it can be used as evidence to support the application of legal remedies such as anti-social behaviour orders or eviction action.

11.5 Management Transfer

In appropriate circumstances the Association will consider transferring a tenant in order to resolve a problem with neighbours. This move will take place through the arrangements established in the Allocations Policy where the complainant has suffered harassment or their circumstances are such that they are homeless – this must be confirmed by the local authority.

11.6 Legal Remedies

Where the Association intends to take legal action, we have available the services of a Solicitor with Clackmannanshire Council to advise on any legal action that we intend to take against any tenant residing in Clackmannanshire Council area. The Solicitor is also available to provide advice and assistance on the preparation of cases that an Anti-Social Behaviour Order is sought and should be consulted at an early opportunity where a case may lead to such action.

- 11.7 Legal action will be taken where non legal measures have been exhausted or where the anti-social behaviour is so severe as to merit immediate legal action. In cases where legal action is proposed, the Housing Services Officer should prepare a report for consideration by the Assistant Housing Services Manager.

Legal action can include the following:

11.8 Anti-Social Behaviour Orders (ASBO's)

An Antisocial Behaviour Order (ASBO) is a
“Civil orders to protect the public from behaviour that causes or is likely to cause harassment, alarm or distress. An order contains conditions prohibiting an individual from carrying out specific anti-social acts or (for example) from entering defined areas.”

An ASBO will only be applied for after full consultation with the Police and the local authority. The Criminal Justice (Scotland) Act 2003 gave Registered Social Landlords, as well as a Local Authority, in conjunction with the Police; the power to apply to the courts for an Anti-Social Behaviour Order (ASBO) for individuals aged over 16. The Anti-Social Behaviour Act 2004 replaces this legislation and extends the use of ASBO to those between the age of 12 and 16.

It is important to recognise that an ASBO is not a substitute for criminal proceedings by the Police. An ASBO is a civil order that exists to protect the public from behaviour that causes or is likely to cause alarm or distress. An order will contain conditions prohibiting the person named in it from doing anything specified in the ASBO such as verbally abusing named persons or entering defined areas.

Ochil View Housing Association can seek an ASBO against any person aged 12 or over irrespective of their tenure. They do not have to be Ochil View tenants or stay in an Ochil View property. We can apply for an ASBO if a person is an owner occupier, private sector tenant or tenant of a local authority. However in the majority of cases where the perpetrator of ASB is not our tenant, we will prevail upon their landlord, or the local authority, to take appropriate action.

ASBO's for adults are intended to tackle both behaviour which is likely to escalate to the criminal level, and patterns of behaviour which cumulatively cause considerable

alarm or distress to the community. An ASBO is not intended to be a substitute for criminal proceedings where these are appropriate.

The children's hearing system should continue to be the primary forum for dealing with antisocial or offending behaviour by under 16s.

The Association can, in consultation with the Police, and local authority, apply to the Sheriff Court for an order where there is evidence that a person (aged at least 12 years) has behaved in an antisocial manner and that an order is necessary for the protection of persons from further antisocial behaviour.

Prior to making an application for either an interim or full ASBO in respect of an under 16, we must consult the Principal Reporter as well as the Police and Local Authority. The Sheriff must have regard to any views expressed by the Principal Reporter before determining whether to make an order or an interim order. The sheriff must also have regard to advice provided by a children's hearing before determining an application for a full ASBO.

A Sheriff would have to be satisfied that the individual has engaged in anti-social behaviour and that the order is necessary to protect others from anti-social behaviour. The Sheriff, in making the decision, will consider the definition of anti-social behaviour in the 2004 Act. As detailed above, this defines anti-social behaviour as when a person acts in a manner that causes or is likely to cause alarm or distress, or if they pursue a course of conduct that causes or is likely to cause alarm or distress to at least one person not in their household.

There are provisions in the 2004 Act to apply for an interim ASBO. This is where immediate protection from anti-social behaviour is required pending the application of a full ASBO. The Sheriff may grant an interim order provided that they are satisfied that the anti-social behaviour cited would be established when a full hearing takes place. The Sheriff must also be satisfied that an interim order is necessary to protect the affected people from further anti-social acts or conduct by the person.

Ochil View will consider seeking an ASBO where non-legal methods are not effective, where there is evidence to support our application and there is considered to be (after taking legal advice) a prospect of success. An ASBO is not a criminal conviction and does not form part of a criminal record. However, a breach of an ASBO is a criminal offence and an individual found guilty of a breach of an ASBO would have a criminal conviction.

12.0 ANTI-SOCIAL BEHAVIOUR AND THE SCOTTISH SECURE TENANCY

In terms of Section 7(4) of the Housing (Scotland) Act 2014 when a tenant is responsible (either through their own actions, the actions of a member of their household or any visitor to the property for whose conduct the tenant is responsible) for anti-social behaviour within the vicinity of the dwelling house we have the right to convert their Scottish Secure Tenancy to a Short Scottish Secure Tenancy.. This anti-social behaviour must have occurred within the last three years. In considering whether this action should be pursued, we will take the following into consideration:

- ✓ Who has behaved anti-socially and their connection to the property
- ✓ The location at which the anti-social behaviour occurred in relation to the property

- ✓ The nature, frequency and duration of the anti-social behaviour;
- ✓ The effect that the anti-social behaviour has had or is having or is likely to have on the complainant and the community
- ✓ Action taken by Ochil View, with a view to securing the cessation of the conduct;
- ✓ Whether there are any convictions in respect of the antisocial behaviour
- ✓ The expected support needs of the household
- ✓ The rehabilitative process undertaken since the last complaint.
- ✓ Other measures which have or could be taken by Ochil View or any agency to address the anti-social behaviour
- ✓ The likely impact of eviction on household members

The Short Tenancy will be for an initial period of 12 months. We may extend the Short tenancy for a further period of 6 months if the tenancy has not been conducted to our satisfaction in terms of the recurrence of serious anti-social behaviour during the 12 month period. We may take legal action to end the tenancy immediately at any time. .

- Where we propose to convert a Secure to a Short Secure Tenancy on the Grounds of anti-social behaviour we will service on the tenant a notice containing all the information that is required by law. If an ASBO has been granted, the name of the person(s) to whom the ASBO applies
- In all other cases, the name(s) of the person who has behaved in an antisocial manner, the nature of the anti-social behaviour and our reasons for serving the notice

Advising the tenant of their right of appeal

The tenant may appeal, and the Appeals will be considered as Stage 2 Complaint within the Association's Complaints Procedure, with the relevant time for response. If the appeal is not upheld, the Association will advise the tenant of their right to seek an appeal to the Sheriff Court.

13.0 REPOSSESSION

Repossession will be a last resort to alleviating anti-social behaviour and will only be used when all the above measures where appropriate have been exhausted. If all appropriate methods of trying to resolve the problem have failed, Ochil View will take eviction action against a tenant responsible for persistent and serious anti-social behaviour.

Section 16 of the Housing (Scotland) Act 2001 sets out the various grounds in which the landlord has the right to take action to recover possession. There are a number of grounds that relate to anti-social behaviour.

The 2001 Act sets out specific criteria which the courts must take into account. Essentially, the decision to evict must be subjected to the test of reasonableness. The court must have due regard for the points listed below before awarding a decree for eviction in anti-social behaviour cases:

- The nature, frequency and duration of the alleged conduct;
- The extent to which the conduct is or was a consequence of acts or omissions of persons other than the tenant member;
- The effect that the conduct had, is having and is likely to have on any person other than the tenant member; and

- Any action taken by the landlord, before raising proceedings, with a view to securing the cessation of that conduct.

This makes the process of preventative action (gathering evidence and recording incidents etc.) very important in terms of arguing the case of reasonableness in court.

Where a tenant (or any member of the tenant's household, or visitor to the house for whose behaviour the tenant is responsible) has been convicted of using the house for illegal or immoral purposes or of an offence punishable by imprisonment which has been committed in or in the locality of the house we will consider whether we will use the streamlined eviction process to recover possession of the house. We will consider the criteria set out at Section 12 above

14.0 LIAISON WITH OTHER AGENCIES

Central Scotland Multi Agency Hate Response Strategy

Any complaints which may be aggravated with reference to Race, Religion or Faith, Disability, Sexual Orientation or Transgender Identity should be reported to the Central Scotland Multi Agency Hate Response Strategy by visiting www.stophateincentralscotland.org.uk

14.1 Multi-Agency Tasking and Co-ordination (MATAC)

Ochil View is involved in the Clackmannanshire MATAC meetings. These are held fortnightly at Alloa Police Station.

The group consists of;

- Clackmannanshire Council
- Ochil View Housing Association
- Paragon Housing Association
- Police Scotland
- Fire Service

The group meets to oversee the implementation of Clackmannanshire's Anti-Social Behaviour strategy. The group may designate specific areas of concern as "Problem Solving Partnerships". The group will also invite other agencies to assist in tackling specific issues of anti-social behaviour i.e. Youth Services, Education or Social Work.

MATAC will consider cases referred by Ochil View Housing Association where these require solutions of joint working by a number of agencies to tackle significant and persistent Anti-social behaviour.

14.2 Clackmannanshire Council Tenancy & Estate Management Team

Clackmannanshire Council's Tenancy & Estate Management Team is a specialist team of Neighbourhood Investigation Officers. They provide services such as mediation and out of hours standby service where appropriate, and work closely with other services in an attempt to reduce anti-social behaviour in Clackmannanshire.

Ochil View has an agreement with the Team and will make referrals if any of the following services are required:-

- Mediation service

- Out of hours standby service
- Witness service
- Professional witness service

14.3 Fife Safer Communities Team

The Fife Safer Communities Team is a specialist team providing a wide range of services in tackling anti-social behaviour. These include:-

- ✓ Lead Community Safety Groups
- ✓ Community Wardens
- ✓ Enforcement Officers, night time noise team
- ✓ Issue fixed penalty notices
- ✓ Liaise with Police Scotland and carry out joint patrols
- ✓ Support Area safety groups
- ✓ Mediation
- ✓ Witness support

This service is available to Ochil View Housing Association tenants living in Fife and referrals are made by us to the Safer Community Team. The service is free of charge.

15.0 STAFF TRAINING AND DEVELOPMENT

Ochil View recognises that staff are the key resource in tackling antisocial behaviour. It is important staff have the confidence and knowledge to identify and investigate incidents of anti-social behaviour and take appropriate action.

All staff will receive training on anti-social behaviour to keep them aware of all options available for dealing with the problem and to enable them to develop the necessary skills to put these effectively into practice.

16.0 THE ROLE OF THE MANAGEMENT COMMITTEE

In accordance with the Association's structure of decision-taking, the Management Committee will consider and approve the Association's Policy on dealing with Anti-social Behaviour. The Customer Services Committee will receive quarterly performance reports on the implementation of that policy.

17.0 PERFORMANCE MONITORING

Ochil View is committed to delivering a continuously improving antisocial behaviour service. We understand that effective monitoring and reporting is fundamental to the process of evaluating and reviewing performance.

We will also provide, on request, Clackmannanshire Council and Fife Council reports on the volume and type of anti-social behaviour reported to Ochil View to assist the strategic development of their anti-social behaviour strategy.

Ochil View firmly believes residents should have access to performance information so they have criteria in which they can measure and evaluate the quality and effectiveness of the service that we deliver. Residents will be kept informed of progress in tackling Anti-Social Behaviour through articles in newsletters and reports to Registered

Tenants' Organisations, the Involved Residents Group and the Annual Return on the Social Housing Charter SHC Performance Report.

We recognise the priority that effectively tackling ASB can make on tenant's assessment of their satisfaction with their homes and community, and with their assessment of the satisfaction with the service provided generally by the Association as a landlord. We have therefore designated the time taken to respond to complaints of ASB as a strategic performance indicator. We will, as set out above, aim to respond within our set target times according to the level of severity of the ASB.

We will send all complainants a "post completion questionnaire" to gather their views about the service given. We aim to improve our service based on the comments made.

18.0 REVIEW

This policy and procedures document will be formally reviewed at least every 3 years.

Graeme Wilson
Head of Customer Services

Policy Review Consultation Process

Policy Considered by HSEHR Committee	21 st March 2018
Policy Considered by the Customer Services Committee	7 March 2019
Policy Considered by Involved Residents Group	Not applicable
POLICY APPROVED BY THE MANAGEMENT COMMITTEE ON	28 March 2019
DATE OF NEXT REVIEW	March 2022