



Antisocial Behaviour Policy

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INVESTOR IN PEOPLE

Providing homes, supporting communities

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1.0 Hjaltland Values

Our Vision

Providing homes, supporting communities

Our Values

Teamwork

Working together as one team, to the benefit of our customers. To demonstrate and extend trust in each other.

Open, Honest & Inclusive

We offer a people focused service that is centred in fairness and integrity. We believe in being open, honest and respectful in everything we do.

Ownership

We expect our staff to take responsibility for their actions and give them the freedom to do their job in a positive working environment.

Quality

We value quality in everything we do from the standard of our product to the level of service we provide. We take pride in making a difference in communities and providing continuous improvement.

Innovation

We seek to ensure we have sustainable housing, fit for future generations, maintained and developed to the highest possible standard.

2.0 Introduction

This policy has been established to ensure consistency of all Hjaltland Housing Association activities

The purpose of this policy is to outline the Hjaltland Housing Association standards with regards to Antisocial Behaviour.

Each employee is an important contributor to the Hjaltland Housing Association vision and each employee is needed at work to assist in the accomplishment of Hjaltland Housing Association's values.

To ensure effective and efficient operations of the Hjaltland Housing Association and provide the best possible work environment to employees, Hjaltland Housing Association expects employees to adhere to the standards as outlined in this policy.

Hjaltland Housing Association ('The Association') acknowledges that tenants and residents have the right to live within a peaceful and enjoyable environment and feel safe within their home.

The Association recognises the negative impact that anti-social behaviour (ASB) can have upon individual residents and communities as a whole and is committed to dealing with anti-social behaviour and neighbour complaints, including nuisance and harassment, in a comprehensive and robust manner.

To realise our corporate vision of *Providing homes, supporting communities*, the Association will:

- Take timely, consistent and effective action against persons who behave in an anti-social manner;
- Provide support to victims and in appropriate circumstances to perpetrators, to positively change their behaviour, sustaining tenancies, wherever possible;
- Work in partnership with all relevant local agencies to reduce incidents of anti-social behaviour and their impact by maximising prevention, intervention, and engagement and communication activities.

This Policy should be read in conjunction with the undernoted Association policies:

- Allocation Policy
- Complaint Policy
- New Tenant and Tenant Support Policy
- Pets Policy
- Domestic Abuse and Sexual Violence Policy
- Estate Management Policy
- Equality and Diversity Policy
- Repossession Policy
- Short Scottish Secure Tenancy Policy

It is the Association's policy, where possible, to prevent anti-social behaviour and problems between neighbours, and to respond to them quickly and effectively when they do occur.

Anonymous complaints of anti-social behaviour will be recorded but will not normally be acted upon, unless the complaint is of an extreme or serious nature as defined in section 6 of this policy.

Anti-social behaviour can be very complex and customers using this policy should have realistic expectations of what the Association and other agencies can do to address it.

Where we have been made aware of an incident of anti-social behaviour and this is already being handled by other agencies, we will not normally take action.

Where the anti-social behaviour is alleged to have been committed by someone who is not one of our tenants, their household members or visitors, we are unable to take action. In these instances, we will advise the complainant to contact the relevant agency, e.g., Police Scotland or Shetland Islands Council. In the event of an emergency, complainants should dial 999.

While this policy seeks to provide guidance to staff and tenants, 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 because of this, our response to each case must be appropriate to the circumstances of each case.

This policy takes account of relevant legislation, good practice and performance standards including the Scottish Social Housing Charter.

This policy will be delivered in a way which recognises and respects diversity and in accordance with the Association's Equality and Diversity Policy.

Anyone who feels that the Association has not complied with this policy can use the Association's Complaints Policy.

3.0 Policy Statement

Hjaltland Housing Association recognises the harmful effect that anti-social behaviour can have upon tenants and residents' lives and will act consistently, effectively and proportionally to address causes of anti-social behaviour within its neighbourhoods, while supporting victims and witnesses.

To achieve this, we will:

- Work preventatively to reduce anti-social behaviour by explaining the tenancy conditions at the beginning of tenancies and undertaking settling in visits to new tenants visits.
- Work in partnership with all relevant agencies, including the Shetland Anti-Social Behaviour Partnership, Police Scotland and Shetland Islands Environmental Health Team to identify sources of anti-social behaviour and strategically target resources to reduce their impact upon individuals and neighbourhoods.
- Practice early intervention to prevent situations escalating and where appropriate, the use of alternative approaches to conflict resolution, such as mediation and referrals for support as appropriate and necessary.

- Embrace technology and provide a range of mechanisms to report anti-social behaviour, together with clear and accessible information on policy and procedures relating to its management and enforcement.
- Investigate all reported incidents of anti-social behaviour in accordance within locally agreed target timescales, taking effective and proportionate action, including legal remedies, where alternative interventions have proven unsuccessful.
- Support victims and witnesses of anti-social behaviour and in appropriate circumstances extend support to perpetrators to positively influence behaviour and sustain tenancies.
- Recognise the importance of effective communication and keep complainants informed of progress and actions arising throughout the duration of their complaint.
- Maintain accurate records relating to anti-social behaviour and monitor case progress and outcomes, and regularly review our anti-social processes, learning from our experiences and customer feedback.
- Manage anti-social behaviour openly with integrity and due regard to confidentiality.
- Ensure our staff have clearly defined roles and responsibilities and are adequately trained and equipped to manage reports and cases of anti-social behaviour.
- Develop information sharing and joint working protocols between other Association department teams and/or other agencies concerned with the management of anti-social behaviour, including Police Scotland, Scotland Fire and Rescue and Shetland Island Council.
- Research and embrace best practice concerning prevention and tackling anti-social behaviour.
- Assess and utilise information to contribute to community planning and investment programmes, assisting to design out anti-social/criminal behaviour and reducing fear of crime within neighbourhoods.
- Consider all options at the disposal of the Association where Antisocial behaviour is ongoing, including the use of a Short SST and more formal legal action to end a tenancy.

1.0 Regulatory Framework / Legal

The Regulatory Framework is based on the Housing (Scotland) Act 2001, the Housing (Scotland) Act 2014 and the Antisocial behaviour etc (Scotland) Act 2004 .

Hjaltland Housing Association has a range of duties, obligations and responsibilities placed on them by legislation and through statutory guidance. These include achieving the standards and outcomes in the Scottish Social Housing Charter, duties to help people who are homeless, duties around the safety of tenants' homes, and promoting equality and human rights.

Hjaltland Housing Association also have requirements placed on them by other regulatory bodies, including the Office of the Scottish Charities Regulator, the Equality and Human Rights Commission, the Care Inspectorate, Audit Scotland and the Scottish Public Services Ombudsman.

Hjaltland Housing Association will ensure that we meet all of our legal duties and responsibilities and that we adhere to relevant guidance and the requirements of other regulators.

Relevant Regulatory Standard: 2

2.0 Responsibilities

2.1 Committee

It is recognised that the Management Committee, while not actively involved in the day to day running of the organisation, is collectively responsible for providing leadership and direction.

Committee Members are responsible for ensuring that Hjaltland Housing Association fulfils its statutory obligations and allocates adequate resources to do so.

2.2 Executive Team

The Chief Executive is responsible for ensuring that the Committee's policy objectives are achieved and that policy and performance are kept under active review to address any changes required. The following individual post has been allocated overall responsibility within the terms of our policy:

- Bryan Leask, Chief Executive Officer

2.3 Senior Leadership Team

Due to the 'managerial' function performed by Heads of Departments it is accepted that they will be best placed to identify and control any concerns within their departments. Day to day responsibility for ensuring the policy is put into practice and consultation with employees is delegated to:

- Heads of Departments

They will ensure:

- The objectives and guidance outlined within our management system is fully understood and observed by persons under their control;
- Responsibilities are clearly defined and allocated / delegated to the appropriate levels within their areas of responsibility;
- The policy statement will be brought to the attention of all employees under their control;
- Any changes to the policy or our arrangements are brought to the attention of all persons under their control;

2.4 Responsible Persons

It is important that policy standards are maintained and improved therefore where necessary specific roles within Hjaltland Housing Association, have been allocated additional responsibilities. Where this responsibility is specific to a subject area, the details of the responsible person are communicated to employees in writing or verbally as required.

These Responsible Persons will also be required to monitor their areas of control as well as the performance and activities of all persons under their control to ensure that acceptable standards are maintained.

Relevant responsible persons are:

- Head of Housing & Customer Services

2.5 All Staff

- Employees will comply with the policies, procedures and arrangements set out in the Management System together with any information, instruction and training provided. In addition, any risk control measures and equipment provided to ensure safe-working practices will be properly used.
- Employees will report to their Head of Department or other member of management any identified breaches of procedures, any accidents or incidents in any aspect, which appears to them to give rise to a significant risk to employees or other persons. Such reports will be made without undue delay.
- Employees will inform their Head of Department or other member of management, without undue delay, where they believe that further training or other risk control measures would be beneficial.
- Employees will co-operate in all programmes, training, assessments and other initiatives that are intended to reduce risk and will actively implement any control measures identified as being required.

- Employees will not participate in horseplay, practical jokes or other acts, which may result in harm being caused to themselves or to other individuals.
- Demonstrate their commitment by their behaviour and co-operate in the investigation of accidents and incidents;

3.0 Definitions

The legal definition of anti-social behaviour is outlined in the Anti-social Behaviour (Scotland) Act 2004. The legislation says that a person is involved in anti-social behaviour 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 to at least one person not of the same household as them.”

“Conduct” includes speech and *“course of conduct”* is defined as being on two or more occasions.

Behaviour which falls into this category will be classified as Anti-social behaviour and dealt with through the inter-agency anti-social behaviour procedures, attached as appendix 1.

There is some behaviour which causes a nuisance to neighbours but may not fall within the terms of the anti-social behaviour legislation, such as a neighbour who is not maintaining their garden. This will be classified as a neighbour/neighbour nuisance complaint and the Association will have a procedure in place to deal with these issues promptly and effectively. A copy of this procedure is attached as appendix 2.

4.0 Objectives

Our overall aim is to respond to anti-social behaviour and harassment cases:

- Seriously
- Promptly
- Professionally
- Confidentially

The objectives of the policy are to ensure that:

All tenants and their neighbours may enjoy their tenancies while causing the minimum of disturbance to others and being undisturbed by the activities of other neighbouring residents.

We establish the methods and preventative measures which will be used by the Association to prevent and respond quickly to antisocial behaviour complaints.

We help tenants and communities find their own solutions to problems of nuisance neighbours and provide advice and details on ways to address neighbour problems.

We give clear guidelines to staff, supported by written procedures, on how to deal effectively with reports or incidents of anti-social behaviour.

The Association will always strive to achieve an amicable solution to incidents of ASB and neighbour nuisance. However, where this is not possible, we will use legal powers and remedies to help resolve the situation.

It is the Association's policy is to seek repossession as a last resort for all breaches of tenancy, including anti-social behaviour.

Repossession as a means to alleviating anti-social behaviour will only be used when other non-legal have been exhausted or are not appropriate taking into consideration the seriousness of the behaviour, for example drug offences, serious assault or offences punishable by imprisonment. In these cases, the Association may choose to exercise its legal powers through the streamlined eviction process as detailed in the Association's Repossession Policy.

The 2014 Act amends the 2001 Act to extend the circumstances when a short Scottish Secure Tenancy (short SST) can be given because of antisocial behaviour. The legislation also gives social landlords the flexibility to extend a short SST which was created due to antisocial behaviour by an additional six months in certain circumstances. This means that short SSTs created due to antisocial behaviour could last up to 18 months. The Association can still take eviction action against the tenant during the 12-month period (18 months where an extension applies) if it becomes necessary. Further details can be found in the Association's Short Scottish Secure Tenancy Policy.

5.0 Categorisation of Antisocial Behaviour and complaints

The Association will categorise complaints as being either extreme, serious or nuisance/ other breaches of tenancy. The nature of these incidences can mean that a complaint may shift between categories if factors in the dispute change, or the dispute escalates. Anti-social behaviour will be categorised as:

CATEGORY A – EXTREME BEHAVIOUR

This category covers complaints which are of a criminal nature and will be referred to Police Scotland and will, by definition, take a longer period to finalise.

Examples include but are not limited to:

- Drug dealing
- Assault
- Harassment
- Racial harassment

CATEGORY B – SERIOUS ANTI-SOCIAL BEHAVIOUR

This category covers complaints which are considered to be of a serious nature.

Examples include but are not limited to:

- Threatening or abusive behaviour
- Frequent serious disturbance
- Vandalism to Association property
- Fly-tipping
- Excessive noise complaints (as confirmed by Environmental Health/Police Scotland)

CATEGORY C – NUISANCE CASES/OTHER BREACHES OF TENANCY

This category includes complaints which clearly breach the tenancy conditions but are of a relatively minor nature.

Examples include but are not limited to:

- Abandoned vehicles
- Noise
- Neighbour disputes
- Dog/pet control
- Behaviour of visitors or children
- Infrequent disturbance
- Stair/bin cleaning
- Garden upkeep/litter

Regardless of the categorisation of disputes, all reports of ASB made to us will be subject to initial investigation to determine how they should be dealt with and this will define the group they are placed in.

The following table details the response times for any antisocial behaviour complaint. In complex and on-going cases, where further legal action may be required, cases will not be closed within 20 working days.

Action	Category A	Category B	Category C
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Initial acknowledgement to complainer	1 working day	1 working day	1 working day
Initial acknowledgement to accused	1 working day	1 working day	1 working day
Liaise with other agencies/refer as appropriate	1 working day	1 working day	2 working days
All subsequent complaints – acknowledgement to both parties	1 working day	1 working day	1 working day
Statements taken from complainer following multiple (2 or more) complaints	5 working days	5 working days	5 working days
Face to face with accused following multiple (2 or more) complaints	10 working days	10 working days	10 working days
Resolved/Case closed – standard	20 working days	20 working days	20 working days
Resolved/Case closed – 2 nd complaint	40 working days	40 working days	40 working days
Resolved/Case closed – 3 rd complaint	60 working days	60 working days	60 working days
Resolved/Case closed – complex and on-going	Undefined to due complexity of legal action but monthly contact & support with complainants	Undefined to due complexity of legal action but monthly contact & support with complainants	Undefined to due complexity of legal action but monthly contact & support with complainants

Resolved/Case closed – where the Association has taken appropriate measures to address the cause of the antisocial behaviour complaint and has advised the complainant of the outcome.

9.0 Preventing Antisocial Behaviour

The Antisocial Behaviour etc. (Scotland) Act 2004 and the Housing (Scotland) Acts 2001 and 2014 set out a range of measures that landlords and their partner agencies can take to help address antisocial behaviour.

The Scottish Social Housing Charter also contains an outcome that covers the role of landlords in working with others to tackle antisocial behaviour.

When dealing with cases we will make complainants aware of the process we are required to follow to gather the information needed to take action to resolve the situation. Sometimes this can seem to take a long time because of the legal process but we will keep complainants informed of progress.

IN OUR CONDITIONS

We will, where possible, enforce the tenancy conditions and deal with anti-social behaviour and neighbour nuisance promptly and effectively. These conditions are set out in the details in our Scottish Secure Tenancy and Short Scottish Secure Tenancy, but the main points are that tenants must not:

- Make excessive noise. This includes, but is not limited to, the use of; televisions, hi-fi's, radios and musical instruments and DIY tools;
- Fail to control your pets properly or allow them to foul or cause damage to other people's property;
- Allow visitors to your house to be noisy or disruptive;
- Use your house, or allow it to be used, for illegal or immoral purposes;
- Vandalise or damage our property or any part of the common parts or neighbourhood;
- Leave rubbish in unauthorised places;
- Allow your children to cause nuisance or annoyance to other people by failing to
- Exercise reasonable control over them;
- Harass or assault any person in the house, or neighbourhood, for whatever reason. This includes that person's race, colour or ethnic origin, nationality, gender, sexuality, disability, age, religion or other belief, or other status;
- Use or carry offensive weapons;
- Use or sell unlawful drugs or sell alcohol

In addition, you, those living with you and your visitors must not do the following in an antisocial way:

- Run a business from your house;
- Park any vehicle, caravan or trailer;
- Carry out work to any type of vehicle, caravan or trailer;
- Use alcohol

You, those living with you, and your visitors, must not bring into the house or store in the house any type of firearm or firearm ammunition unless you have a permit.

These conditions of tenancy will be reinforced by a Tenant 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 settling in visit (normally carried out within the first month of the beginning of tenancy)

We actively consider the support needs of existing and prospective tenants, developing effective partnerships with care and support providers to try and ensure appropriate support needs are in place to enable the tenant to sustain a tenancy.

IN THE CONDITION OF OUR DEVELOPMENTS AND ESTATES

We will regularly inspect and record the condition of estates (as set out in the Association's Estate Management Policy), to identify vandalism, graffiti, damage, fly tipping, abandoned vehicles 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.

IN HOUSING ALLOCATION

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 application of persons with a documented history of anti-social behaviour in the previous 3 years, 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 history of anti-social behaviour orders or eviction (on grounds of anti-social behaviour) within the last 3 years may receive an offer of housing on Short Scottish Secure Tenancy Terms.

The Association will endeavour to prevent anti-social behaviour and neighbour problems through:

- Providing information and guidance in our tenancy agreement on the definition of anti-social behaviour and neighbour problems
- Providing good quality information about our anti-social behaviour policy to encourage good tenancy relations and inform the expectations of people who report anti-social behaviour
- Working in partnership with other agencies to facilitate a multi-agency approach to maximise the resources available to address anti-social behaviour and adopting preventative and responsive measures to tackle anti-social behaviour

- 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.
- 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
- Using lettings plans where appropriate to either address existing problems or prevent new one from occurring.
- Monitoring and reviewing the effect and outcomes of our actions.

Except in cases of serious criminal activity such as drug offences or persistent serious anti-social behaviour the Association will attempt to achieve a resolution without recourse to legal action.

This will be done with reference to the terms of the Tenancy Agreement and by working with appropriate voluntary and statutory agencies such as Mediation Services, Social Services, Police Scotland, Environmental Services, and any other Local Authority services or third sector services as appropriate.

Non-legal measures such as warnings/advice, Acceptable Behaviour Contracts, Parental Control Contracts and good neighbour agreements will be considered and used where appropriate.

Where preventative or management approaches fail to resolve cases then more formal action will be considered. The legal remedies which the Association might pursue include the following:

- Notice of Proceedings on Anti-social behaviour grounds
- Interdict / interim interdict
- Specific implement – a court order requiring a party to perform a specific act.
- Seizure of equipment causing noise
- Anti-Social Behaviour Orders (ASBO)
- Parenting Orders
- Tenancy conversion to Short Scottish Secure Tenancy (on ASB grounds)
- Eviction

Where the Association does not have direct legal powers to take any particular course of action then it will seek the co-operation of the relevant agency to take action against the tenant(s) concerned.

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 Housing (Scotland) Act 2001 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.

Reporting Antisocial Behaviour

If a tenant feels it is safe to do so, they will be encouraged speak to the person causing the antisocial behaviour. If relating to noise, they may not be aware their behaviour is causing a disturbance, and an informal approach is often the most effective means of addressing the issue. However, this is often a sensitive subject, especially if this concerns the conduct of a neighbour, and therefore it may not always be possible to take a direct approach such as this.

Any form of antisocial behaviour taking place during office hours can be reported directly to Hjaltland. However, Police Scotland should be called straight away for serious behaviour or where someone is committing a crime.

Where there is a noise disturbance occurring outwith office hours, Police Scotland should be called. Subject to availability, Police Officers will attend and take appropriate action, which may include the confiscation of equipment, or the issuing of a fixed penalty notice. All calls made in relation to Hjaltland Housing Association tenants will be reported back to the Association via Police Scotland.

The following list is not exhaustive but does identify the more common issues of antisocial behaviour, and which organisation should be the first point of contact.

- Noise – Environmental Health (Police Scotland out of office hours)
- Dog fouling/abandoned vehicles – Environmental Health
- Litter & Burst Black Bags - Environmental Health
- Pet and animal nuisance – Environmental Health
- Threatening or intimidating behaviour – Police Scotland
- Committing a crime or criminal behaviour – Police Scotland

- Nuisance issues around a property – Hjaltland Housing Association
- Vandalism - Police Scotland
- Drug abuse & drug dealing – Police Scotland
- Harassment – Police Scotland
- Hate Crime – Police Scotland
- Domestic abuse – Police Scotland

10.0 Drug offences

The Association recognises that the misuse of drugs can have a serious effect on those who misuse them, their families and their communities. Involvement with drugs can often have a direct link to anti-social behaviour, particularly where the supply or sale of drugs is taking place.

While each case will be considered on its merits, the Association will normally seek eviction in cases where its tenants or members of their families or household have been convicted of the sale or supply of drugs.

Convictions for the possession of drugs for personal use will not normally result in the Association seeking eviction unless there are other aspects of anti-social behaviour involved, such as nuisance to neighbours, damage to property, etc.

11.0 Use of Short Scottish Secure Tenancies

The Association will work preventatively to reduce anti-social behaviour at the beginning of tenancies by explaining the tenancy conditions and undertaking settling in visits to new tenants visits. In appropriate circumstances the Association will provide a new tenant with, or demote an existing tenancy to a Short Scottish Secure Tenancies (SSST).

The Housing (Scotland) Act 2014 provides scope for granting an SSST to situations where applicants or tenants have acted anti-socially in or near their home in the last three years or where there has been an eviction or ASBO issues in the last three years.

During the period of the SSST the Association is obligated to ensure that appropriate housing support is available to facilitate the conversion from the SSST to a full SST. This allows the Association to more closely manage the tenancies of those who have a recent history of ASB, with the ultimate aim of moving them into successful and sustainable Scottish Secure Tenancies (SST).

The minimum term for an SSST issued due to anti-social behaviour is 12 months. Those Short Scottish Secure Tenancies which are intended to convert to a full SST after the 12 month minimum period will be able to be extended for a one off period of six months to enable further work with the household if a

position has not yet been reached where the tenancy can be converted to a full tenancy. This means that SSSTs relating to ASB could last for up to eighteen months. The duty to provide or arrange the provision of housing support continues to apply during the six month extension.

12.0 Recovering a Short SST

The Association is obligated by law to a right to a review the SSST, before court action is taken, for tenants whose SSST is not going to convert to a full SST. The Association is required to provide the tenant(s) with the reasons why it is seeking to recover possession of a property let under an SSST where the SSST was given on ASB grounds (i.e. a SSST which would convert to a full SST after the minimum period) and the SSST has been breached.

13.0 Grounds for eviction after a criminal conviction

To complement the existing measures available to landlords to address antisocial behaviour in, or in the locality of a social housing tenancy, a number of new provisions were introduced in the Housing (Scotland) Act 2014 ('the 2014 Act'). These measures include:

- a new short Scottish secure tenancy for antisocial behaviour (Section 7 of the 2014 Act)
- a power for landlords to extend the term of some short Scottish secure tenancies by 6 months, including those related to previous antisocial behaviour, where housing support services are being provided (Section 10 of the 2014 Act); and
- a new streamlined eviction process where there has been a recent criminal conviction punishable by imprisonment for tenancy related antisocial or criminal behaviour (Section 14 of the 2014 Act) within the previous 12 months.

The purpose of the streamlined eviction process is to help landlords to take action on serious antisocial behaviour more quickly in some cases and help reduce the harm that is caused to communities from serious antisocial or criminal behaviour.

It is Hjaltland Housing Association's policy exercise its powers to use a streamlined process for eviction where a tenant (or any one of joint tenants), a person living in or lodging in the house, a subtenant or a person visiting the house has been convicted of an offence punishable by imprisonment within the previous 12 months.

The process requires a notice of proceedings to be served before the first anniversary of the date of the conviction, or where that conviction was appealed, the day on which the appeal was dismissed or abandoned. In considering whether to serve such a notice in that timescale, the landlord should consider the content of Section 4 of this guidance.

In those antisocial behaviour cases where the notice of proceedings has not been served in the required timescale, landlords can continue to use the ground set out in paragraph 2 of schedule 2 of the 2001

Act, either in its own right or combined with any of the other conduct grounds in schedule 2 to raise eviction proceedings. The statutory test of reasonableness at section 16(2)(a) of the 2001 Act will however continue to apply to those cases where the streamlined eviction process is not appropriate when the court is considering making an eviction order.

14.0 Racial Harassment and other forms of Harassment

We take the issue of racial and other harassment very seriously and it will be deemed as Anti-social behaviour. We also understand that people can suffer harassment due to religion, sexuality, gender or gender identity, mental health, disability, cultural issues and beliefs or because they have HIV or Aids. We believe that everyone should be able to live in freedom from harassment.

We will deal with harassment by:

- Responding quickly and effectively in all cases of harassment
- Ensuring that the perpetrators of harassment are identified, wherever possible, and action taken
- Ensuring that customers are aware of our policies, and feel able to report incidents
- Training and equipping staff to deal with harassment, and to distinguish between general neighbour disputes and harassment

15.0 Inter-agency Antisocial Behaviour procedures

The Association is a member of the Shetland inter-agency Anti-social Behaviour Partnership and work within the anti-social behaviour procedures established by the partnership. The partnership includes the Shetland Islands Council, Police Scotland, Family Mediation Service, Shetland Drugs and Alcohol Service and Hjaltland Housing Association. This partnership and the procedures enables a more effective and co-ordinated response to anti-social behaviour.

When any form of anti-social behaviour is reported to us, the Association will follow these interagency procedures. The procedures aim to find a resolution to the behaviour and includes various courses of action including

- Writing to the person advising them that their behaviour is unacceptable
- Meetings with the individuals concerned
- Involving mediation services (Relationships Scotland – Shetland) to seek a mutually agreed solution between the parties
- Issuing of statutory notices by environmental health
- Multi-agency case conference to plan a co-ordinated response to on-going anti-social behaviour

- Legal action including seeking an ASBO or action for breach of tenancy, including eviction or demoted tenancies.

Should the case call in court, the burden of proof will rest with the Association, and therefore any success will rely on a bank of evidence collated during the tenancy. This will include file notes, diary sheets and any face to face statements – tenants and residents will be reminded throughout the process of the importance in noting all disturbances and reporting accordingly.

16.0 Confidentiality and Information sharing

We will respect complainants' wishes on confidentiality and will seek their permission before disclosing information to the alleged perpetrators, their legal representatives and other interested parties.

Where we share information with other agencies it will be in accordance with the Data Protection Act 2018 and established information sharing protocols. Information we received will be kept confidential and secure.

17.0 Performance and monitoring

The Management Committee will review and approve key performance indicators on an annual basis and targets and outcomes will be monitored at twice-yearly meetings.

Performance will be measured against the following:

- Percentage of tenants satisfied with the management of their neighbourhood
- The nature of the complaint e.g. type of anti-social behaviour
- Percentage of anti-social behaviour cases which were resolved within locally agreed targets
- Percentage of reports of anti-social behaviour attended to within target timescales
- Number of new ASB reports per 100 properties
- Number of repeat perpetrators of ASB
- Percentage of ASB court actions initiated which resulted in eviction

18.0 Customer feedback

Hjaltland Housing Association strives to deliver high quality, affordable homes and services to communities throughout Shetland. We welcome feedback and comments from our customers on the way in which we deal with incidents of anti-social behaviour and the outcome of cases. We will seek

feedback via our website, e-mail, in writing and verbally to learn from service user's experiences, using them to shape and develop our service.

19.0 Equality, Diversity and Human Right Impact Assessment

The Association is committed to promoting positive measures that eliminate all forms of unlawful or unfair discrimination on the grounds of age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation. Our aim as landlord, service provider and employer is to recognise the needs of all individuals, and ensure these commitments are evident throughout every aspect of our business and our activities.

The Association assesses and reviews all new and revised policies and procedures, and an Impact Assessment is available.

20.0 GDPR

The Association will treat your personal data in line with our obligations under the current data protection regulations and our own Data Protection Policy. Information regarding how your data will be used and the basis for processing your data is provided in Hjaltland Housing Associations Privacy notices.

19.0 Monitoring and Review

Employees [and any sub-contractors] have a duty to co-operate in the operation of this policy by fulfilling the responsibilities placed upon them.

As stated, the operations of the company and this policy will be reviewed at regular intervals or in light of changing company circumstances, procedures and statutes. These changes will be brought to the attention of employees and others whose health and safety may be affected by such changes.

Planned Review Date: 2025

Appendix 1

Anti-Social Behaviour Procedures

Introduction

The Association is a member of the Shetland Anti-Social Behaviour Partnership.

The partnership has developed procedures to deal with incidents of anti-social behaviour as a means of providing a co-ordinated response to these issues.

Complaint of Anti-social behaviour

1. When a complaint is received of anti-social behavior, the matter should be passed to the Housing Officer for that area.
2. Where that member of staff is not available, another housing officer should take the call and progress the issue in their absence.
3. Notes must be taken of the complaint, detailing the nature of the incident, dates and times and whether this has been a one-off incident or of a recurring nature.
4. The Housing Officer should assess whether the behaviour being described constitutes anti-social behaviour e.g., parties, noise disturbance etc. and if so should make the person aware that we will involve the Anti-social behaviour Coordinator (ASBC) as part of the inter-agency procedures.
5. The Housing Officer must register the complaint in the Anti-social behaviour & neighbour complaint register.
6. At the same time a section should be created in the ASB & neighbour complaint folder held in housing management and all correspondence must be held in this file. The tenant's omnilegder notes section should detail the date of the complaint and highlight that further information is held in the ASB complaints file.
7. The Housing Officer must acknowledge the complaint in writing within 3 working days, outlining the nature of the complaint and the action to be taken, including a referral to the ASB team. The complainant should also be encouraged to keep diary notes and if the situation warrants it advised to call the Police.
8. The ASB complaints spreadsheet must be kept up to date detailing dates when the complaint was acknowledged
9. The interagency anti-social behaviour procedures (copy contained in File/Data/Admin/Policy & Procedures/Policy/Interagency ASB procedures) are then to be followed. This will involve discussions with the Anti-social Behaviour Coordinator, to discuss a response to the issues being raised. As part of these procedures the aim is to try and achieve a resolution within 4weeks (20 working days). However, it is recognised that some more complex cases may take longer to

resolve especially where legal action is to be taken. Housing Officers must keep file notes on action being taken and update the ASB complaints spread sheet on progress being made. It is important that it can be shown that action is being taken and the complaint is being kept informed of progress.

10. There are a range of solutions that can be considered in any ASB case and Housing Officers should, in discussion with the ASBC and other appropriate agencies, determine a course of action. This may involve home visits, referrals to the Mediation team, CCTV, ABC (anti-social behaviour contracts), case conferences and legal action.
11. In the event that further complaints are received about the same tenant from other residents, the Housing Officer must register these as separate complaints on the spread sheet and points 3 – 10 above followed in each case. When registering the case, the Housing Officer should detail on the spreadsheet that it is linked to an earlier complaint.
12. The Housing Officer must keep the Head of Housing & Customer Services and Senior Housing Officer informed of any incidents and the progress on resolving the issues.

Neighbour Complaint

13. If the complaint does not constitute anti-social behaviour but is instead a neighbour complaint, such as failure to cut grass, inappropriate use of rubbish bins etc., then the Housing Officer should follow the Neighbour complaint procedure detailed in Appendix 2.

Appendix 2 Neighbour Complaint Procedure

Introduction

This procedure relates to the handling of neighbour complaints which do not constitute anti-social behaviour. Neighbour complaints would include such things as complaints about a neighbour who is failing to cut their grass, the inappropriate use of recycling bins or issues of children using play areas inappropriately.

If the complaint relates to anti-social behaviour e.g. loud music, parties, drug dealing etc. then the Housing Officer should use the Anti-social behaviour procedure.

Neighbour Complaint

1. When a neighbour complaint is received, the matter should be passed to the Housing Officer for that area.
2. Where that member of staff is not available, another housing officer should take the call and progress the issue in their absence.
3. Notes must be taken of the complaint, detailing the nature of the incident, dates and times and whether this has been a one off incident or of a recurring nature.
4. The Housing Officer should assess whether the behaviour being described constitutes a neighbour complaint or anti-social behavior e.g. parties, noise disturbance etc. If it is anti-social behaviour the Anti-social behaviour procedures should be followed.
5. If it is deemed to be a neighbour complaint the Housing Officer, where possible, should explore with the complaint ways the complaint feels the situation could be resolved. Where this is not possible, the housing Officer should inform the complaint that further investigation will be required.
6. The Housing Officer must register the complaint in the Anti-social behaviour/neighbour complaints register.
7. At the same time a section should be created in the ASB & neighbour complaints folder held in housing management and all correspondence must be held in this file. The tenant's omnilegder notes section should detail the date of the complaint and highlight that further information is held in the ASB & neighbour complaint file.
8. The Housing Officer must acknowledge the complaint in writing within 3 working days, outlining

the nature of the complaint and the action to be taken.

9. The ASB & neighbour complaint spreadsheet must be kept up to date, detailing dates when the complaint was acknowledged
10. There are a range of solutions that can be considered in any neighbour complaint case and Housing Officers should determine in each case what approaches are most likely to achieve a successful outcome. This may include home visits, letters to all tenants on the scheme about a particular issue or providing advice and information to tenants about support available e.g. grass cutting services.
11. In all cases, whether the complaint is against one individual tenant or a group of tenants the Housing Officer must contact the tenant(s) in writing outlining the nature of the complaint and detailing what action is required to rectify the situation (with timescales, if appropriate). The letter must always detail that the tenant has the opportunity to discuss the matter with the Officer should they disagree with the nature of the complaint.
12. The Housing Officer should seek to resolve the situation within 20 working days and should monitor the situation to ensure that this happens. If the initial letter does not have the desired effect the housing officer must explore other ways of resolving the issue, e.g. involving Shetland mediation, advising tenants that remedial work will be undertaken and they will be recharged etc.
13. The Housing Officer must contact the tenant who complained to advise them that we have taken action on their complaint and that they should not hesitate to contact us if they have any further issues. The letter to the person complaining must include a statement that should they be dissatisfied with the way in which we have handled the neighbour complaint that they have the right to complain through our complaints policy.
14. In the event that further complaints are received about the same tenant and issue from other residents, the Housing Officer must register these as separate complaints on the spread sheet and points 3 – 13 above followed in each case. When registering the case the Housing Officer should detail on the spreadsheet that it is linked to an earlier complaint.
15. The Housing Officer must keep the Head of Housing & Customer Services and Senior Housing Officer informed of any incidents and the progress on resolving the issues.

