

Milnbank
HOUSING ASSOCIATION



DEALING WITH ANTISOCIAL COMPLAINTS POLICY

NC/March.2018/Ref:P3

1. INTRODUCTION

The aim of the Dealing with Antisocial Behaviour Policy is to allow all residents to live within their home without undue disturbance or disruption from others.

Milnbank Housing Association (MHA) strives to eliminate all types of antisocial behaviour and we will provide a variety of assistance where practical. Residents should be aware that MHA can only take formal action where there is clear wrongdoing and where corroboration (proof) exists. Residents, equally, must take responsibility by reporting any antisocial behaviour to Police Scotland or Community Safety Glasgow (CSG) Antisocial Behaviour Helpline where appropriate, in addition to reporting the alleged incident of antisocial behaviour to MHA within a reasonable amount of time.

The policy sets out what MHA as a landlord are able to do, the timescales that we have set to do it within, and outlines how we will work in partnership with other agencies for issues that are out-with MHA remit.

2. DEFINITION OF ANTISOCIAL BEHAVIOUR

As defined by Section 143 of the Antisocial Behaviour etc. (Scotland) Act. 2004. 'a person ('A') engages in antisocial behaviour if 'A' –

- (a) acts in a manner that causes or is likely to cause alarm, distress; or
- (b) pursues a course of conduct that causes or is likely to cause alarm or distress, to at least one person who is not of the same household as 'A'.

('Conduct' includes speech; and a course of conduct must involve conduct on at least two occasions. Antisocial behaviour will include conduct which is criminal, even if the conduct did not result in charges being brought against an individual. It will include a wide range of criminal conduct and is limited only by the likelihood or the actual causing of alarm or distress to a member of a household other than that of the perpetrator).

The Antisocial Behaviour etc. (Scotland) Act 2004 is tenure neutral, meaning that it applies to tenants, shared owners, owners and those living within properties that are classed to be temporary accommodation.

3. POLICY IN CONTEXT

The Policy takes into account the undernoted legislation to assist MHA in addressing anti-social behaviour issues:

- * Antisocial Behaviour etc (Scotland) Act 2004
- * Misuse of Drugs Act 1971
- * Crime and Disorder Act 1998
- * Criminal Justice (Scotland) Acts 2003 & 2010
- * General Data Protection Regulations
- * Equality Act 2010
- * Housing (Scotland) Acts 2010 & 2014

4. COMPLIANCE WITH THE SCOTTISH SOCIAL HOUSING CHARTER (SSHC)

MHA recognises the need to work towards achieving the relevant Indicator as set out in the SSHC, namely:

- Indicator 19 - Percentage of anti-social behaviour cases reported in the last year which were resolved within locally agreed targets.
- Outcome 6 - 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.

5. INVESTIGATING YOUR COMPLAINT

MHA will use all options at our disposal in order to fully investigate complaints of antisocial behaviour. Once we receive a complaint we may contact other residents – this can be by telephone, in writing or in person – to see if they are able to corroborate the complaint. We ask that residents contact us as soon as possible following the incident, as by doing so all relevant information is fresh in their own and other witnesses' memory. We will be non-judgemental when investigating complaints. We will treat all complaints in strict confidence and will not disclose the identity of the person making the complaint (unless this is agreed in advance).

We may also obtain information from Police Scotland or CSG to determine if either of these agencies attended, and if warnings were issued by them. If a warning was issued; or if we are able to corroborate the complaints through other residents then we will invite the person responsible for the antisocial behaviour in to our office, and then issue a written warning for the incident in question. MHA can issue warnings to non-residents who are visiting our

residents, and also to our residents for the behaviour of their visitors or family members. We will ensure that our warnings are issued in a timely manner and within the timescales which are set later within this policy.

All personal information that we gather about individuals will be processed, retained and kept secure in accordance with the Fair Processing Notice within the General Data Protection Guidelines.

Due to the complex nature of antisocial behaviour, a case may not be fully resolved in that the behaviour has entirely stopped. We will, however, ensure that all appropriate measures of MHA e.g. warnings are issued within the set timescales. If we cannot resolve the complaint for other reasons e.g. we do not have the necessary authority or powers, we will explain in writing what we will do next. This may include referring cases to CSG Community Relations Unit, who we employ to carry out full professional antisocial behaviour investigations on our behalf.

MHA record all complaints into our complaints register, and any action that we take will be logged by the respective officer. Actions may include:

- Noting a complaint – if the resident wishes an incident to be recorded but for no formal action to be taken.
- Interview/visit – all involved parties will be interviewed by a member of staff, usually within MHA's office but this could also be within their home.
- Close meeting – MHA or residents can call a close meeting in order to discuss issues affecting more than one household. No residents will be excluded from such meetings – all should be invited. Representatives from external agencies such as Police Scotland and/or CSG could also be invited to attend.
- Warning letter – these can only be issued to Category B or C cases, as Category A cases will need more formal action often by Police Scotland.
- Refer case to CSG to fully investigate the entire case and if necessary to apply for an ASBO on our behalf.
- Legal action via MHA's solicitors – this will be considered as a last resort and once all other measures have been exhausted.

MHA classifies complaints into 3 categories, those being A, B and C.

Category	Examples of behaviour	Initial response target	Examples of Action(s)	Resolution Target
A Very Serious Nature	Drug dealing Serious assault Firearm offences Threats of violence to neighbour and/or staff member Hate crimes Housebreaking Serious damage to property	Respond within 1 working day	<ul style="list-style-type: none"> • Report to Police Scotland. • Obtain Police or Court information through Information Sharing Protocols. • Interview resident within office. • Refer case to CSG to monitor via criminal court process 	Complete all actions within 10 working days
B Serious Nature	Frequent disturbances – parties, loud arguments Nuisance noise Vandalism Aggressive or abusive behaviour Verbal or written harassment	Respond within 2 working days	<ul style="list-style-type: none"> • Issue letter to neighbours to seek corroboration. • Interview tenant within office and issue warning letter if complaint is corroborated. • For ongoing cases where warnings are breached, refer to CSG for full antisocial behaviour investigation. 	Complete all actions within 15 working days
C Nuisance Complaints	Children causing a disturbance Infrequent noise Pet nuisance Dog fouling	Respond within 3 working days	<ul style="list-style-type: none"> • Speak to all parties either by telephone or in person to provide advice. • Offer referral to CSG Mediation Services only if both parties agree. • Refer to CSG Community Enforcement Officers for persistent dog fouling offences. 	Complete all actions within 20 working days

Other measures that are available to MHA are as follows:

Acceptable Behaviour Contract (ABC) – this is a document of agreement which is signed by the person who is responsible for the behaviour. The person will set the terms and wording themselves in respect of the behaviour that has been complained about. This document is not legally binding but could be used in evidence should MHA or CSG apply for an ASBO in respect of the antisocial behaviour. If the person who is being complained about is age under 16, they would sign the document along with their parent or guardian.

Unacceptable Behaviour Notice (UBN) – this document would be used as an enforcement measure should the person refuse to sign an ABC, or if the contents of the ABC are not agreeable. The UBN can be issued following an ABC (if the ABC had been breached), but this can also be used as a first measure following issuing and breaches of the Association's written warnings. The description of the prohibited behaviour would be set by the investigating officer, and the document would be signed by Association staff, Police Scotland and could also be signed by CSG. The UBN would be used in evidence in any future court proceedings.

Interim or Full Antisocial Behaviour Order (ASBO) – if we, or CSG who we employ to act on our behalf, are satisfied that the complaint evidence is to a legal standard that would merit an ASBO application being submitted, this would be done only as a last resort. Progressing to court means that we have not been able to resolve the incidents of antisocial behaviour which are affecting the resident. Should the complaint lead to court action then the resident would need to decide if they are willing to attend court, as this would lead to their identity being revealed. There are legal measures in place that would provide protection for witnesses in such cases. Please note that should the case to be of a severity that such court action is justified, this is likely to take up to one year before this is heard by a Sheriff.

Tenancy conversion – when a full ASBO has been granted by the Court, MHA will convert the tenancy from a Scottish Secure Tenancy (SST) to a short Scottish Secure Tenancy (short SST). The tenancy having been converted, the tenant will receive support and counselling as agreed with MHA for a period of no more than 1 year from the date of conversion. If the behaviour does not improve, MHA will seek to remove the tenant.

Scottish Secure Tenancy (SST) Agreement – this is MHA's principle legal tool to take action against our tenants in respect of serious

breaches of agreed tenancy terms. The SST agreement specifically states that grounds for possession when the tenant (or any one of joint tenants), a person residing or lodging in the house with, or subtenant of, the tenant, or a person visiting the house has been convicted of-

(a) using the house or allowing it to be used for immoral or illegal purposes, or

(b) an offence punishable by imprisonment committed in, or in the locality of, the house.

(c) acted in an Antisocial manner in relation to a person residing in, visiting or otherwise engaged in lawful activity in the locality, or

(d) pursued a course of conduct amounting to harassment of such a person, or a course of conduct which is otherwise Antisocial conduct in relation to such a person, and it is not reasonable in all the circumstances that the landlord should be required to make other accommodation available to the tenant.

(e) has been guilty of conduct in or in the vicinity of the house which is a nuisance or annoyance, or

(f) 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.

Anonymous complaints – these will not normally be dealt with by the Association unless we are in a position to evidence or corroborate these reports. This would be determined on a case-by-case basis.

6. INVOLVING EXTERNAL AGENCIES

MHA will work closely with all statutory agencies in dealing with matters relating to either antisocial behaviour or harassment. The Statutory Agencies have powers not available to MHA e.g. in relation to noise, CSG Noise Enforcement Team have powers to issue warning notices or fines in relation to incidents of noise which breach the permitted regulations. A fixed penalty notice can be issued to the household, the value of which is a £100 fine, also the television, sound system or 'noise making equipment' can be seized etc. The same powers are conferred upon Police Scotland.

CSG Mediation Service offer a professional and impartial service to mediate and attempt to resolve disputes between neighbours. Both parties must agree to take part in this service prior to any referral being made by MHA.

7. THE ROLE OF OTHERS IN DEALING WITH ANTISOCIAL BEHAVIOUR

As a landlord MHA has limited powers in dealing with Antisocial issues and as such relies on assistance from others such as Police Scotland, CSG, Glasgow City Council Health and Social Care Partnership, Reporter to the Children's Panel etc. in seeking to resolve complaints or amend behaviour.

Residents of MHA - Residents are urged to take immediate action. Where the complaint involves noise nuisance should contact the CSG Noise Team between 5pm and 3.30am on 0800 027 3901 in order that they attend your property. You must be willing to allow officers entry to your home in order that they covertly use hand-held equipment to measure the reported noise. Officers are then able to issue a Warning Notice or Fixed Penalty Notice if the noise is deemed to be excessive. Out-with these working hours residents should call Police Scotland on 101. Residents can ask that Police Officers do not call to their door and that they remain anonymous. If the complaint relates to disturbances such as loud fighting Police Scotland should be contacted.

Whenever possible residents are advised to have a witness present. In the event that incidents cannot be corroborated it is unlikely that MHA will be able to take any formal action in respect of the complaint. In the event that continuous personal complaints are received between two individuals, MHA may consider charging for staff time.

Police Scotland – MHA has a Police Initiative in place that provides additional dedicated Police officers for our area to support staff with the aim to increase public reassurance. This service is in addition to existing Police Scotland patrols and has demonstrated reductions in both crime reduction and crime reported in the MHA area in the last financial years.

Health and Social Care Partnership (HSCP) - MHA will work closely with the HSCP in an attempt to assist tenants and residents. In the case of legal action involving children or other vulnerable groups/ individuals, or if we have concerns which fall within child or adult support and protection protocols the HSCP will always be contacted.

Community Safety Glasgow (CSG) - MHA has an ongoing Service Level Agreement for the Silver Antisocial Behaviour Service with CSG to provide support in resolving problems associated with Antisocial behaviour in circumstances where normal housing management or estate management has been unable to do so. The service includes: Advice, assistance and guidance, Liaison with Police, investigation and preparation of ASBO', Surveillance, Professional witness service and Legal services.

Support Agencies – MHA may refer residents or seek advice from appropriate bodies in relation to victim support groups, hate crimes, domestic violence etc.

8. APPEAL

Any resident, complying with the procedure, but remains dissatisfied with any aspect of the service they have received have the right of appeal in accordance with MHA's Complaints Policy.

9. MONITORING & REVIEW

The monitoring of the Dealing with Antisocial Behaviour Policy will be carried out on a monthly basis by the Services Committee. This policy will be reviewed annually or otherwise if deemed necessary.