



ALBYN HOUSING SOCIETY LTD

TITLE: MANAGING ANTI-SOCIAL AND NUISANCE BEHAVIOUR POLICY

Authorised by Committee of Management	January 2010
Next Review Due By	January 2013
Staff Affected	Housing Management Allocations Housing Support Property Maintenance
Lead Officers	Policy: Housing & Communities Director Operation: Housing and Communities Manager Housing Management Team Leader

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Purpose

The overall purpose (aim) of this policy is:

- To create and maintain safe neighbourhoods, where people chose to live

The key objectives of this policy are:

- To reduce incidences of anti-social behaviour in our communities
- To intervene early to manage and contain anti-social behaviour when it occurs
- To sustain tenancies and keep people in their homes wherever possible
- To be clear for staff and residents and simple to implement

Scope

This policy applies to all complaints of nuisance or anti-social behaviour or harassment made against any of our tenants, members of their households, or their visitors. It applies to all rented tenures managed by us, including:

- Scottish Secure Tenancies
- Short Scottish Secure Tenancies
- Occupancy Agreements
- Short Assured Tenancies
- Supported Tenancies
- Garage Tenancies

We have no legal powers over residents who are not our tenants.

Complaints may be received from our tenants or others about neighbouring residents in other tenures. We will provide information and advice and make referrals to mediation services, where appropriate, to residents in all tenures. Where this is not appropriate or has failed, we will refer complainants to the relevant statutory authorities or independent advice services.

Definitions

Anti Social behaviour' for the purpose of his policy and associated documents is defined as:

Behaviour which has caused or is likely to cause alarm or distress, nuisance or annoyance to any person in the neighbourhood, or causing damage to anyone's property. It includes behaviour that displays a disregard for the rights and wellbeing of others. People affected may include residents, visitors, our employees, agents and contractors.

We recognise that antisocial behaviour can mean different things to different people. Our definition is therefore flexible, and recognises that it does not necessarily include behaviour that is different to the neighbouring majority. We will take into account the impact of the behaviour on the wider community

Policy Statements

General Principles

We recognise the rights of our tenants and residents in our communities to the peaceful enjoyment of their homes. We also expect our residents to act responsibly and with consideration for others; and to respect the values and lifestyles of others within their communities.

- We aim to listen and act on concerns reported to us by members of our communities
- We will act swiftly to respond to complaints. We will try to resolve complaints at an early stage to prevent them escalating into more serious problems.
- We recognise that complaints may be unfounded, discriminatory or even malicious in some cases. And so we will adopt a non-judgemental approach at the early stages of investigation of any complaint.
- Where anti social or nuisance behaviour is clearly evident, we will be proactive and supportive to victims in our approach
- We will work closely with residents and develop good, effective relationships with a range of agencies to develop shared priorities for action, and to gather good information and evidence to support intervention where it is required.
- We will at all times try to balance the rights of individuals with the expectations of the wider community. But we will act with determination against the small minority of our residents who act in an anti-social manner. Where complaints can not be resolved at an early stage, we will use every type of measure, tool or approach necessary and available to us to create the change required

Prevention

We will carry out the following actions to make sure that anti-social and neighbourhood problems are prevented or minimised as far as possible:

- We will build and maintain our homes and neighbourhoods to 'secure by design' standards and make sure we meet the Scottish Housing Quality Standards for safety and security within our existing homes.
- We will make sure our empty homes are brought up to an acceptable standard and re-let as quickly as possible
- We will allocate properties sensitively to achieve mixed and balanced communities as far as is possible and within the boundaries of the Allocations Policy. This may include referrals to the appropriate Anti Social Behaviour Partnership group for a risk assessment before an offer of housing is made where the criteria set out in the Allocations Policy apply.

- We will advise tenants on their options for transfer and exchanges where disputes between individual neighbours can not be resolved
- We will sign new tenants up to a Scottish Secure tenancy agreement (SST) that outlines their rights and responsibilities on anti-social behaviour.
- We may sign new tenants to Short Scottish Secure tenancy agreements (Short SST) where:
 - The applicant has been evicted for anti-social behaviour from a tenancy in Scotland, England, Wales or Northern Ireland, within 3 years of the tenancy offer
 - The tenant or any member of their household are the subject of an ASBO granted on or after 30 September 2002 under s 19 of the Crime and Disorder Act 1998;

Where a Short SST is awarded, we will provide or ensure the availability of appropriate support to enable the subsequent conversion to a full SST within 12 months.

- Our expectations will be clearly outlined to new tenants as part of their tenancy sign up and new tenancy interviews; and will ask new tenants to sign a neighbourhood Agreement at the start of their tenancy.
- We will deal with estate management problems such as vandalism or abandoned items quickly to prevent minor issues from becoming more serious
- We will consult tenants on our policies and practices for managing anti-social behaviour.
- We will provide information and advice for tenants on how to deal with complaints between neighbours in leaflets, newsletters, handbooks and on our website
- Where available, we will provide housing support or refer tenants to other agencies as appropriate to help tenants sustain a successful tenancy and to live peacefully with their neighbours
- We will take an active part in multi-agency meetings to develop joint approaches and actions to prevent and manage anti-social behaviour within our communities
- We will support community groups and locally based initiatives across our area of operation within the resources available to us that:
 - support and develop community confidence to report and challenge anti-social behaviour when it happens in their communities;
 - provide support, education and diversionary activities that stop problems occurring or prevent future issues arising

- We will have a protocol with appropriate Statutory Agencies to share information and take joint actions in relation to anti-social behaviour

Receiving and Prioritising Complaints

- We will develop clear procedures to support this policy that detail how we will respond to reports of anti-social behaviour and neighbour disputes, as well as the methods we will use to investigate them and the appropriate action to be taken:
- We will receive complaints by letter, phone, email or in an interview. Anonymous complaints will be recorded, but will not normally be acted on unless they can be verified by other means.
- All complaints received will be logged and categorised within 2 categories. The behaviours listed within these categories are not intended to be exhaustive, but to provide an indicative guide of the appropriate category for the range of complaints we will receive.

Category 1 – Serious

Complaints will be placed in this category where a clear breach of tenancy has occurred that affects other people. It has been witnessed and corroborated by two or more other residents, or by an appropriate agency, such as the police or a community warden.

This type of behaviour may include but is not restricted to the following:

- criminal activities, including drug dealing
- unprovoked assaults
- violence, harassment or abuse, including racially motivated incidents
- frequent serious disturbances or damage to property

We will generally act independently or with other agencies to tackle these cases. They will generally result in some form of legal action if the offending behaviour is not stopped after initial warnings.

Category 2 – Routine

All other complaints will be placed in this category. They will include disputes where there is no clear breach of tenancy, or where only two neighbours are involved and others in the vicinity remain unaffected (unless there is evidence of deliberate harassment)

In these instances, we will generally be unable to make an intervention, either because there is a lack of witnesses or other evidence to corroborate events, or because legal measures would be inappropriate.

In such cases, we will generally provide general advice and information to help tenants solve issues between themselves, and may refer the parties concerned to a more appropriate agency such as Community Mediation.

Thereafter we will monitor the dispute until such time as it is brought to a conclusion.

- Occasional or non-deliberate disturbances and nuisance behaviour will not be categorised as anti-social behaviour, and will be dealt with in accordance with our Estate Management Policy and Procedures.

Interventions

- We will respond to all complaints as quickly as possible. Where necessary, we will prioritise the most serious complaints to make sure they can be investigated first.
- We will acknowledge **Category 1** complaints in writing immediately, and aim to make initial contact and update the complainant by phone or in person within 3 working days.
- We will acknowledge Category 2 complaints in writing within 5 working days, and aim to contact to the complainant by phone or in person within 10 working days
- These are timescales for initial responses. Timescales for further action and involvement will depend on the complexity of the case, and may depend on the availability of witnesses or responses from other agencies. We aim to contact the complainant to update them with progress within two weeks of our initial contact.
- When a complaint is received, we will establish the facts and interview the complainant, using standard logging and case report forms. We will assess the complaint to decide if it is a tenancy matter or a criminal issue, or both. We will confirm the appropriate category for the complaint, what action should be taken, and whether other agencies need to be involved.
- We aim to conclude our investigations and to take any action that is necessary to resolve a complaint as quickly as possible. We aim to achieve a positive outcome for all concerned, and will employ a range of options to resolve situations on a case by case basis. These will include but not be restricted to:
 - Interviewing all parties and witnesses to incidents
 - Issuing warning letters, including solicitors letters, to tenants who have been anti-social
 - Recharging tenants for work they have failed to do or to cover the costs of damage caused by them, members of their household or their visitors
 - Suspending housing applications in accordance with the Highland Housing Register joint allocations policy
 - Referring residents to mediation services

- Attending case conferences with other agencies, including the police, community mental health services, social work and other council services.
 - Referring cases that can not be resolved through early intervention or that may require joint working with other agencies to the appropriate Anti Social Behaviour partnership group.
 - Issuing Acceptable Behaviour Contracts (ABCs) to make sure that tenants and their families recognise the impact of their behaviour on others, and to set out steps to change it
 - Referring cases to The Highland Council's Anti Social Behaviour Investigation Team (ASBIT) in liaison with the appropriate Anti Social Behaviour Partnership group, where behaviour impacts on several households within a neighbourhood or where we are unable to collate evidence within our own resources
 - Arranging transfers for victims of anti-social behaviour where such a move will end a problem without relocating it elsewhere
 - Working with other agencies to arrange procedures for restorative justice in appropriate circumstances
- We will not generally remain involved in routine **Category 2** incidents for more than 2 months unless new evidence or corroboration becomes available. Where no clear breach of tenancy can be established, we will provide appropriate information and advice, and refer the parties to mediation services.
- Where a breach of tenancy has been established, we will review whether our actions have been exhausted on the basis of all the evidence reasonably available after one written warning and other intervention has taken place.
- Where our actions have been exhausted, the parties will be provided with relevant information and advice and the case will be closed.
- If further intervention is required, we will proceed to enforcement stages with the intention to pursue one or more legal remedies.
- In all cases, the parties involved will be provided with a written outcome of our investigation into the complaint at this stage, including a notification of the case being closed or progressed for further enforcement action
- Where cases become protracted, we will keep the complainant informed of progress by telephone or in writing at least once a month. We will confirm our course of action in writing with both the person making the complaint and with the person against whom any action is being taken. We will always protect the confidentiality of all parties as far as reasonably possible.

- New incidents that occur after a case has been closed will be categorised and dealt with on their own merits.

Enforcement Actions

- Where early interventions have not solved a **Category 1** complaint, we will actively pursue the most appropriate legal remedies to tackle persistent anti-social behaviour. These will include but not be restricted to the following:
 - Unacceptable Behaviour Notices (UBNs)
 - Notice of Proceedings
 - Non-renewal of Short SSTs
 - Anti Social Behaviour Orders (ASBOs)
 - Interdicts
 - Specific Implements
 - Repossession decrees
- Where relevant, we will also liaise with the police and the local authority to assist in the application of further legal powers that are available to them.
- Where we decide to take legal action in disputes, we will offer appropriate help and support to any witnesses involved.
- If an ASBO is granted against any tenant or member of their household, we may convert the tenancy to a Short Scottish Secure Tenancy in accordance with Section 35 of the Housing (Scotland) Act 2001
- We will aim to provide or refer tenants for support and to work with them before the final sanction of eviction so that a situation can be resolved to the best advantage of all parties wherever possible.
- But if we have sought and obtained a decree to evict from the Sherriff Court, it will always be our intention to enforce it through eviction.

Rehabilitation

If we take legal action and tenants are ultimately evicted because of anti-social behaviour, we have no further legal responsibility for their re-housing or rehabilitation.

We will work in partnership with other agencies as far as our resources and remit allow to develop and promote services to encourage and develop responsible and considerate behaviours of individuals and groups within our communities.

Responsibilities for Actions

- Responding to and managing complaints of anti-social behaviour is primarily the responsibility of our housing management team in Housing and Communities. Housing Officers will be responsible for the day to day implementation of policy

and procedure, and for investigating and taking appropriate action as outlined within them.

- Members of our Allocations, Community Involvement, Property Maintenance and Development teams also have a direct role to play in the delivery of this policy and the associated procedures, particularly for the development and implementation of preventative actions.
- Our Committee of Management have ultimate responsibility for agreeing the policy and for monitoring its effectiveness through regular performance reports presented to them. The Committee will also agree the enforcement of tenancy recovery actions.

Performance Monitoring

- We will record all complaints and actions taken on a database. Officers will review live cases on a regular basis to make sure actions are progressed and cases concluded as quickly as possible.
- We will contact complainants within 6 weeks of a case being closed to make sure the situation remains stable, and will carry out customer satisfaction with our handling of anti-social behaviour complaints on a regular basis.
- We will agree key performance indicators targets for managing anti social behaviour complaints with our Committee of Management on an annual basis. These will be realistic and based on our operating context.
- We will monitor our workload by individual case and by overall trends on a regular basis to make sure that we are progressing towards our targets. We will investigate causes of underperformance and identify remedial actions as quickly as possible.
- We will collate information on tenancies that fail as a result of anti social behaviour
- We will compare our performance against the performance of other relevant housing providers, and will take advantage of and share good practices wherever possible
- We will report performance to our operational sub-committees of the Committee of Management on a quarterly basis, and to our regulator on an annual basis
- We will publish our performance at the end of each financial year in an annual report, tenant newsletters and on our website

Monitoring and Review

- This policy and associated procedures will be reviewed every three years in consultation with our staff, committee members and tenants. The review will make sure that:
 - We are providing the appropriate service to meet our tenant's needs
 - We are reaching our targets for responding to complaints of anti social and nuisance behaviour in line with our operating context and business planning assumptions
 - We will assess customer satisfaction with the way we have dealt with complaints, and use the information to continually improve the service we provide
 - We continually improve residents satisfactions with their neighbourhoods as good and safe places to live
- We will review the policy and procedures to comply with and future legislative or regulatory requirements as and when they occur or at least every 3 years.

Framework

This policy has been prepared to take into account the following:

- All existing and future relevant legislative requirements, including the following:
 - Housing (Scotland) Act 2001
 - The model Scottish Secure tenancy Agreement introduced under the above act
 - The Anti-Social behaviour (Scotland) Act 2004
 - Crime and Disorder Act 1998
 - Misuse of Drugs Act 1971
 - Children (Scotland) Act 1995
 - Human Rights Act 1998
 - Disability Discrimination Act 2005
 - Data Protection Act 1998
 - Regulation of Investigatory Powers (Scotland) Act 2000
- Our Vision, Mission and Strategic Goals
- Raising Standards in Housing – Anti-Social Behaviour and Harassment (2001)
- Performance Standards – the relevant standard in relation to antis social behaviour being:
 - Activity Standard 1.9: 'We deal appropriately with anti-social behaviour. Where appropriate we work with others to prevent and manage such behaviour'

- Our operating context

The following publications have also been taken into account in preparing this policy:

- Internal audit recommendations
- Practice online – Chartered Institute of Housing best practice guidance
- Chartered Institute of Housing – Tackling Anti Social Behaviour in Scotland
- Scottish Government – Promoting Positive Outcomes: working together to prevent anti social behaviour in Scotland

The policy also contributes to the following strategic frameworks

- Highland Wellbeing Alliance: Anti Social Behaviour Strategy
 - Strategic outcome 3 – Improving and sustaining our environmental quality (focusing on dog fouling, litter, noise, neighbour complaints, abandoned vehicles and fire setting)
 - Strategic outcome 4 – Tackling inequalities by working with specific communities more likely to be targeted by antisocial behaviour
 - Strategic outcome 5 – Aligning public services to work better with communities and improve our planning, delivery and review of services for dealing with antisocial behaviour

Related Policies and Procedures

The following policies and procedures are directly relevant to this document:

- Guidance for Serving Notices
- Estate Management
- Tenancy Abandonment
- Allocations (Highland Housing Register joint policy & procedures)
- New Tenancies
- Rechargeable Repairs
- Void management
- Right to Purchase
- Customer Service Strategy & Service Promises
- Guidance on Effective Communication
- Equalities and Diversity Statement

We will also work towards accreditation schemes that will directly support the delivery of this policy, including the following:

- Scottish National Standards for Information and Advice Providers

Our Operating Context

Key Issues

Our policy for managing anti social and nuisance behaviour within our communities is designed to reflect particular factors within our overall context:

- A continuing active development programme with further stock growth during the policy period, especially in the south of our area
- Diverse client group
- Low wage economy
- Low levels of housing benefit entitlement relative to the general sector
- Concentration of more difficult to let stock in Caithness

Stock type, locations and numbers.

We own and manage over 2,400 properties in over 70 different towns and villages across the Highlands. Many of these larger towns also include a number of distinct schemes and settlements within them.

We manage around 3,300 individual accounts, including former tenancy accounts and charges to owners on our estates who receive factoring services from us. We have had a very active development programme in recent years, with over 400 additional units in the last 3 years including in an additional rural settlements.

Around 16% of our stock is shared ownership / shared equity. The remainder is rented, including nearly 5% of tenancies that are let as supported accommodation. Support is provided by our own and other housing support providers.

Our geography covers most of the administrative area of The Highland Council (with the exception of Lochalsh and Skye, and Lochaber), and part of The Moray Council.

Anti Social Behaviour Perceptions

Each year in our resident satisfaction surveys, we ask tenants what they think of their neighbourhood. Overall satisfaction is consistently high – nearly 90% think it is a good or very good place to live. This figure has remained high in recent years, and is above benchmark averages. Quiet neighbourhoods and good neighbours are the highest scoring factors that influence this positive perception.

Those who rate the neighbourhood as ‘poor’ are not consistently concentrated in any particular geographic area. However, where a neighbourhood is thought to be ‘poor’, anti-social neighbours are the main reason given by a clear majority, followed by noise, drugs and alcohol in equal measure.

We asked about this issue in more detail in our June 2009 ‘Policy Bulletin’ questionnaire, sent to all tenants. This is the information that came back.

What tenants describe as anti-social behaviour.

◦ Noise (loud parties and music, loud arguments)	78
◦ Disrespectful behaviour (swearing, intimidation, abusive or intimidating attitudes)	62
◦ Vandalism / damage to property / graffiti	34
◦ Dogs left to roam / fouling	28
◦ Drug use / dealing	25
◦ Violent behaviour	20
◦ Drunken behaviour	16
◦ Untidy gardens	13
◦ Litter / fly tipping	14
◦ Noise from vehicles	7
◦ Out of hand children	11

What issues should Albyn deal with?

These are the types of complaints tenants think we should deal with as a landlord

Any serious Anti social behaviour	15
Serious / persistent breaches of tenancy conditions	30
Anything that disturbs others	20
Personal issues	2

Current Caseloads

Our anti social databases currently holds basic details for all reported cases from 2006 to date. Over 2008/09, our housing team managed between 60 and 110 cases at any one time – with on average 88 cases open at the end of any period. These have been managed between 4 generic patch housing officers until summer 2009, when a fifth officer has been appointed to the team.

The historic trends are:

2006 – 286 cases

2007 – 247

2008 – 163

2009 – 75 (to mid year - September 2009)

Caseloads have fallen over the period recorded, but this is as likely to be from improvements in housekeeping rather than a sudden fall in anti-social activity.

The main category of each complaint recorded is as follows:

Category	Whole database	Current cases
Anti-social behaviour	327	43
Noise	148	8
Communal areas	59	
Pets	53	3
Harassment	25	4
Parking	25	1
Vehicles	23	
Neighbours	37	6
Drugs	21	7
Gardens	17	1
House Condition	10	
Vandalism	5	
Other	75	2
Not recorded	5	1

Formal actions were taken to resolve only a small minority of cases during the year. Most are managed and resolved by our Housing Officers without formal interventions, in common with national (UK) trends. Actions in place for current cases are as follows:

Anti Social Behaviour Contracts	1
Verbal Warning	1
Written Warning	1
Possession Notices	6

Alness	1
Aviemore	3
Avoch	1
Brora	1
Conon	4
Dingwall	4
Dornoch	1
Foyers	1
Grantown	2
Invergordon	10
Inverness	21
Kingussie	2
Kirkhill	3
Milton	8
Nairn	11
Tain	1
Wick	2

Current cases are spread across a wide geographic area and are in both urban and small communities. All current reported cases are East or Central Highlands.

The bigger settlements of Inverness; Invergordon; Dingwall/Conon; Milton and Nairn routinely have a higher proportion of all cases.

Aviemore, Grantown, Kingussie, Kirkhill and Wick also feature as relatively high levels of cases relative to stock.

It is not possible at this stage to identify any common links between types of case, broader social or economic profiles of the areas, or complainer / perpetrator profiles. Our database needs to be developed further to allow for relevant information to be collected and analysed in the future.

Officers and admin staff are spending an average of 2 hours per day on ASB work. Obviously it will fluctuate depending on particular caseloads, and will be monitored from time to time to track any significant changes. However this seems realistic to the existing active caseloads (76 – around 15 cases per officer) and other work. But it is still the equivalent of 30% of staff time spent on between 4 and 5% of our tenanted stock.

Dealing with paperwork / case files accounts for the bulk (over half) of time spent by all staff. Dealing with phone calls, home visits and liaison with other agencies follow, being almost equally split between each other.

**Proposed Performance Indicators and Targets – 2010/11
Management of Anti Social Behaviour Complaints**

Performance Indicator	Type	Target	Frequency	Purpose
Number of new cases during a quarter	Total		Quarterly	Track trends
Number of cases closed during a quarter	Total		Quarterly	Track trends
Number of active cases at end of quarter	Cumulative Total		Quarterly	Track trends
Types of ASB recorded for active cases	Count by type / area/ household type		Quarterly	Track trends
Main intervention for cases closed	Count by type and category		Quarterly	Track effectiveness of different measures & policy aims
% initial contact within category timescale	% by category	90%	Quarterly	Monitor performance
% follow up contact within timescale	% all	90%	Quarterly	Monitor performance
% Category 1 cases progressed to legal action within 6 months of initial complaint	%	50%	Quarterly	Monitor performance
% Category 2 cases closed within 6 months of initial complaint	%	75%	Quarterly	Monitor performance
Average days to resolve cases	Sum by category		Quarterly	Monitor performance
Complainant satisfaction	%	75%	Annually	Monitor performance & identify policy or procedure issues for review
Repeat cases	% + analysis by type		Annually	Assess sustainability of resolved cases

Performance Standard: AS1.9 Antisocial behaviour

Self Assessment

You may wish to ask the following self-assessment questions about our prevention and management of antisocial behaviour:

Question	Before	After	Evidence
Do we have a joint, published, Anti-social behaviour strategy ?	n/a	n/a	Local authority remit – but we actively participate and join formal partnership arrangements with the council and others to implement the local authority strategy
Do we have clear and accessible policies and procedures on the management of antisocial behaviour?	No – not up to date & no longer appropriate	Yes	New policy recommended for approval by CoM in January 2010. Procedures in development – to be completed by April 2010
Do we consult with tenants, residents and other stakeholders on the development and review of our approach to the management of antisocial behaviour?	Resident satisfaction surveys	Yes	Extensive consultation evidenced as part of policy review recommendations. Ongoing part of resident satisfaction surveys
Do our tenancy agreements include appropriate nuisance clauses and are these made clear to tenants?	Yes	Yes	Model SST clauses included in our agreements and highlighted to tenants as part of the sign up and new tenancy follow up procedures. Good Neighbour Charter to be developed as part of ongoing procedural work
Do we have a range of remedies / tools to tackle incidents of antisocial behaviour, including mediation, use of Antisocial Behaviour Orders, and the use of Short Scottish Secure Tenancies?	In part	Yes	All remedies and appropriate use of them now clearly referred to within policy & procedural guidance
Do we investigate incidents promptly and have we set challenging targets / timescales for each stage of the procedure and are we meeting these targets / timescales ?	No	Yes – & for further development	Timescales reviewed and set within policy. Monitoring framework to be developed, including development of appropriate software, during 2010/11.
Do we monitor our performance in meeting these targets / timescales and report findings to relevant stakeholders?	No	Yes – & for further development	New monitoring arrangements to be established during 2010/11
Do we have agreed liaison and referral arrangements between	Yes	Yes	Signed protocol arrangements, referrals and meetings in place

Question	Before	After	Evidence
other departments and agencies?			
Do we maintain accurate records of incidents, and monitor case progress and outcomes?	In part	Yes	Record keeping and monitoring to be standardised, simplified and monitored more effectively through development of better IT reporting tools and procedural guidance
Do we publish outcome information, including equalities information, on our management of incidents of antisocial behaviour?	No	For further development	Better performance and outcomes monitoring will provide information for publication from the end of 2010/11
Is our approach to the management of antisocial behaviour proportionate to the scale of the problem and do our services represent value for money?	?	Yes – & for further development	To be better evidenced through development of outcomes monitoring during 2010/11
Do our policies and practices on the prevention and management of antisocial behaviour positively contribute to the prevention, and resolution, of homelessness?	?	Yes	Aim and preventative role emphasised more clearly in revised policy
Do we publicise our approach to the management of antisocial behaviour, highlighting the support we can provide to tenants and other complainants?	Yes	Yes	Ongoing through use of tenancy agreement, tenant handbook, leaflets, newsletter articles and press releases as appropriate. To be updated following introduction of new policy.
Is the support and protection of victims and staff central to our approach to the management of incidents of antisocial behaviour?	?	Yes	Lone Working and Vulnerable Residents policies Clearer policy statement developed
Do we keep complainants and victims informed throughout any investigation and follow-up action?	Not consistently	Yes	Requirement included in new policy, to be backed up with procedural guidance
Do we provide access to an appeals process?	Yes	Yes	Complaints Policy and Procedures apply

ALBYN HOUSING SOCIETY LTD

TITLE: MANAGING ANTI-SOCIAL AND NUISANCE BEHAVIOUR PROCEDURES

Authorised by Committee of Management	N/a
Next Review Due By	August 2015
Staff Affected	Housing Management Allocations Tenancy Sustainment
Lead Officers	Policy: Housing & Communities Director Operation: Housing and Communities Manager

MANAGING ANTI-SOCIAL AND NUISANCE BEHAVIOUR PROCEDURES

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Chapter 1: Introduction & Summary

The main aim of our Policy for Managing Anti-Social and Nuisance Behaviour (ASB) is:

- **To create and maintain safe neighbourhoods where people chose to live.**

Its key objectives are:

- **To reduce incidences of anti-social behaviour in our communities**
- **To intervene early to manage and contain anti-social behaviour when it occurs**
- **To sustain tenancies and keep people in their homes wherever possible whilst recognising this may not always be possible**
- **That the policy is clear to staff and our customers and simple to implement**

We implement the policy following some important general principles which are that we:

1. Recognise the rights of our residents to have peaceful enjoyment of their homes.
2. Expect our residents to act responsibly and with consideration for others; and respect for the values and lifestyles of others.

Prevention:

Our priority is to prevent or reduce the chances of ASB from occurring through early intervention and prevention wherever we can; by designing safe homes and neighbourhoods; letting properties quickly; allocating properties sensitively; making our expectations clear at the start of a new tenancy; dealing with estate management problems quickly; providing good advice and information; supporting tenants and communities; and taking an active part in multi-agency partnerships.

Priorities

We prioritise complaints as serious (Category 1) or routine (Category 2); and will respond to them within the relevant maximum timescales. A category 2 case will normally be closed within 6 months unless new evidence becomes available or it has escalated into a more serious case.

Early Intervention:

When ASB does occur, our aim is to respond quickly; to conclude investigations and take the actions that we can to resolve issues as quickly as possible. We will aim to achieve positive outcomes, and will use a range of options to resolve situations that are appropriate for each case.

Enforcements

Where we have not resolved a serious Category 1 case through appropriate early interventions, we will pursue the most appropriate legal remedies. We will liaise with other agencies as required and will provide support and help to witnesses. Eviction will only be pursued as a last resort. But if we have sought and obtained an eviction decree it will be our intention to enforce it.

Monitoring

We will make sure that effective monitoring and reporting systems are in place which will help us to identify, prevent and manage ASB, and to proactively monitor trends

Close monitoring and targeted actions will help us to achieve our aims, along with a strong emphasis on direct personal contact with our customers at every available opportunity.

Responsibilities

The main responsibility for responding to and managing complaints of ASB is with Officers within our Housing Management Team. Senior staff in the department will support and monitor day to day implementation.

Staff from other teams also have an important role to play, particularly for the development and implementation of preventative actions.

Our Board have the ultimate responsibility for agreeing policy, and for approving the enforcement of tenancy recovery actions.

Chapter 2: Prevention and Early Intervention

Prevention

In addition to efforts to tackle instances of ASB, we must also adopt other measures to attempt to prevent ASB from occurring in the first place.

Allocations

Properties should be allocated in a sensitive manner that helps to achieve mixed and balanced communities, within the boundaries of the Allocations Policy. Referrals can be made to the appropriate Anti Social Behaviour Partnership Group for a risk assessment prior to an offer of housing being made where the criteria set out in the Allocations Policy apply.

Tenure

Where a new tenant signs up to a Scottish Secure Tenancy (SST) their rights and responsibilities on anti-social behaviour will be made clear to them. These rights and responsibilities will be outlined within the tenancy agreement. It is also important that when the tenant signs their tenancy agreement the clauses relating to ASB are particularly stressed to them, and that the potential action that can be taken against them for unacceptable conduct is made clear.

It will also be possible to sign new tenants to a Short Scottish Secure Tenancy (Short SST) in any instance where:

- The applicant has been evicted for anti-social behaviour from a tenancy in Scotland, England, Wales or Northern Ireland, within 3 years of the tenancy offer
- The tenant or any member of their household are the subject of an ASBO granted on or after 30 September 2002 under s 19 of the Crime and Disorder Act 1998;

All new tenants should be asked to sign a Good Neighbour agreement (**see appendix A2.5**) at the start of their tenancy. This will ensure that tenants are aware of their responsibilities from the earliest stage in their tenancy.

Support

Information and support should be made available to tenants on how they can deal with issues surrounding anti social behaviour. Such information should be available from a variety of sources such as leaflets, newsletters, handbooks and on our website. Tenants should be made aware of the availability of this information and support. Should appropriate housing support be required and available we should refer tenants to specialist agencies supplying support. We will also make appropriate referrals to our

Tenancy Sustainment Team to help tenants sustain their tenancy and maintain peaceful relationships with their neighbours.

In addition, referrals to other agencies should be made who can provide specialist support to tenants should they require it. This course of action should apply in situations where other agencies can offer support that we cannot due to not having the skills and training, such as mediation and mental health services, or where the agency has powers that we do not possess, such as the police. Referrals should be made in the spirit of joint working, and should not be seen as an opportunity to avoid our own responsibilities to support the tenant.

Early Intervention

All complaints of ASB should be responded to as quickly as possible. In the event that multiple complaints of ASB are received the most serious complaints should be prioritised to ensure that they can be investigated promptly.

There are a number of options to resolve instances of ASB and the most appropriate should be selected at the earliest possible stage to help ensure the most successful outcome. The full range of options available should be considered before taking any action, and options such as Acceptable Behaviour Contracts (ABCs) and Unacceptable Behaviour Notices (UBNs) should be considered to be appropriate early courses of action that allow the chance for the issue to be addressed without the need for formal legal proceedings.

Chapter 3: Case Management and Recording

Receiving and Prioritising Complaints

All complaints received will be logged and categorised within 2 categories. The behaviours listed within these categories are not intended to be exhaustive, but to provide an indicative guide of the appropriate category for the range of complaints we will receive.

Category 1 – Serious

We will acknowledge category 1 complaints in writing immediately and aim to make initial contact and update the complainant by phone or in person within 3 working days. Timescales for further action and involvement will depend on the complexity of the case. We should aim to keep the complainant up to date with our actions and this can be done through a variety of contact options.

Complaints will be placed in this category where a clear breach of tenancy has occurred that affects other people. It has been witnessed and corroborated by two or more other residents, or by an appropriate agency, such as the police or a community warden.

This type of behaviour may include but is not restricted to the following:

- criminal activities, including drug dealing
- unprovoked assaults
- violence, harassment or abuse, including racially motivated incidents
- frequent serious disturbances or damage to property

We will generally act independently or with other agencies to tackle these cases. They will generally result in some form of legal action if the offending behaviour is not stopped after initial warnings.

Category 2 – Routine

We will acknowledge Category 2 complaints in writing within 5 working days and aim to contact the complainant by phone or in person within 10 working days. Timescales for further action and involvement will depend on the complexity of the case. We should aim to keep the complainant up to date with our actions.

All other complaints will be placed in this category. They will include disputes where there is no clear breach of tenancy, or where only two neighbours are involved and others in the vicinity remain unaffected (unless there is evidence of deliberate harassment)

In these instances, we will generally be unable to make an intervention, either because there is a lack of witnesses or other evidence to corroborate events, or because legal measures would be inappropriate.

In such cases, we will generally provide general advice and information to help tenants solve issues between themselves, and may refer the parties concerned to a more appropriate agency such as Community Mediation. Thereafter we will monitor the dispute until such time as it is brought to a conclusion.

Occasional or non-deliberate disturbances and nuisance behaviour will not be categorised as anti-social behaviour, and will be dealt with in accordance with our Estate Management Policy and Procedures.

Recording Complaints

All complaints will be recorded on the database along with any action taken. Live cases will be reviewed regularly to ensure that any actions are being progressed and that cases are concluded as promptly as possible. This information will be collated to analyse the success of our approach to ASB, and to produce information on the number of tenancies that fail as a result of anti-social behaviour.

Case Closure

It is imperative that all cases are closed formally. The case should be marked as closed on the system, and each party involved should be sent a letter confirming that the case has been closed.

Chapter 4: Investigations and Gathering Evidence

Interviews

When a complaint of anti-social behaviour is received, the facts should be established and the complainant interviewed. The interview can be carried out over the phone or in person. The investigating officer should decide which method is most appropriate in the circumstances. Standard logging and case report forms should be used (**for witness statement form see appendix A2.1**). All parties and any witnesses involved in the incident of ASB should be interviewed in order to compile the strongest possible case, and form a clear picture of what has occurred. Any intention to interview an alleged perpetrator should be shared with the complainant, and we should aim to have their agreement to do so. The timescale for interviewing those involved in the case, will depend on the seriousness of the case in question. For a category 1 (Serious) complaint, an interview should be made within 3 working days so that the complainant can be updated by phone or in person within the same timeframe, if possible. In the case of a category 2 (Routine) case this is extended to 5 working days for an interview, with an update to the complainant provided within 10 working days. Any interview with the alleged perpetrator should not be conducted in an accusatory manner, and the individual should be given adequate opportunity to respond with any counter-allegations recorded.

Diary Sheets

In a case where complainants are reporting an on-going issue of ASB, diary sheets (**included in appendix A2.5**) can be used to investigate the circumstances and gather evidence. It is essential that, if the intention is to use the diary sheets as written evidence, the sheets are comprehensive and clearly written. To ensure that this is the case, staff should only issue diary sheets when then they are satisfied that they have given the individual adequate guidance on how to fill in the sheets. Caution should also be applied prior to issuing diary sheets, as in some cases it is possible that they could enflame the situation and fixate the individual. Diary sheets will not be an appropriate measure for all situations, as it is possible they will only serve to make the complainant more observant and aware of any nuisance. This would mean that for a minor nuisance other options should be tried before issuing diary sheets. In a case where diary sheets are deemed to be the appropriate option to take, it is important that their use should be reviewed after a period of two weeks. This avoids the likelihood of the situation being allowed to drag on, and of the complainant becoming increasingly aggravated.

Gathering Further Evidence

There are numerous other methods of gathering further evidence available, and these can be employed where deemed appropriate. It is possible to gather further relevant information through joint working with the police by consulting with local officers, and through checks via the Northern Constabulary's dedicated ASB officer. Further information can also be obtained during visits to the area where staff can obtain potentially useful evidence through conversations with local people, and by taking photographs of anything that could be considered to be relevant to the complaint. Letters to local residents can also

offer a potentially useful source of information, as it will make local people aware that there has been a complaint already registered and they should get in touch with us if they have further information..

Chapter 5: Non-Legal Solutions

Acceptable Behaviour Contracts (ABCs)

Acceptable Behaviour Contracts (ABCs) are voluntary agreements that can be issued to tenants who have committed an act of ASB. Acceptable Behaviour Contracts are an individual written agreement between the tenant who has perpetrated an act of ASB and the landlord. The ABC can be used as a tool to ensure that tenants and their families recognise the negative impact their behaviour is having on others, and set out appropriate steps to improve the situation. The contract is not legally binding, however, it can be used as evidence in any subsequent legal action should the behaviour of the tenant fail to improve. Should the ABC approach prove unsuccessful then legal action can be taken, as outlined in chapter 6. The ABC should specify that legal action may follow as a consequence of any breach of its terms. In the case of an individual aged 12-15 the use of an ABC should be considered on an interagency basis. This insures that the contract is reasonable and complements interventions currently in place.

Unacceptable Behaviour Notice (UBN)

An Unacceptable Behaviour Notice (UBN) can be used to compliment the use of ABCs. An Unacceptable Behaviour Notice is signed off by an officer from Northern Constabulary as well as Albyn Housing Society, and describes the act of ASB that has been committed. The UBN can be used in a case where a tenant refuses to enter into an Acceptable Behaviour Contract, as well as when it is issued along with an ABC. The UBN should be used as a form of early intervention, and alongside the ABC can form part of a file of evidence should any application for an Anti-Social Behaviour Order (ASBO) be required in future.

Mediation

Mediation should be seen as a potential early solution that can avoid the need for any legal action to be taken. Where there is a dispute regarding anti-social behaviour between residents we can refer them to support to attempt to allow all parties involved to reach a satisfactory and amicable conclusion.

Whilst our Tenancy Sustainment Team cannot provide a mediation service, referrals can be made by the investigating officers to the TST to provide informal shuttle intercession to tenants in dispute with neighbours with low level anti-social behaviour complaints.

Chapter 6: Legal Solutions

Where anti-social behaviour proves to be persistent and on-going legal action should be considered. Legal action should only be taken where it is either considered to be the only appropriate action to take, or where all other options have been exhausted and it is the only solution remaining.

Interdicts

Interdicts offer a course of action that is quicker and cheaper to implement than an ASBO. An interdict is available against a tenant who has breached the terms of their tenancy. They are not available against a minor. An interdict involves beginning civil proceedings against the tenant in court, and will prevent the individual from doing something specified in the interdict. In a case where violence has either been used or threatened, a power of arrest can be attached. Any breach of the interdict is a criminal matter with the maximum punishment being imprisonment.

Anti-Social Behaviour Orders (ASBOs)

Where there has been an example of serious anti-social behaviour that is persistent and on-going, and all other interventions have proven to be unsuccessful then an ASBO can be sought against the individual. This will be done in partnership with the police and the Local Authority. Decisions to raise ASBO proceedings would be agreed through local Anti-Social Behaviour Partnership Groups in line with local Community Safety initiatives.

ASBOs have been in effect in Scotland since April 1999. The powers to grant an ASBO were a provision of the Crime and Disorder Act 1998 allowing an application for an ASBO to be made against any individual aged 16 or over. The Anti-Social Behaviour etc. (Scotland) Act 2004 extended this to allow ASBOs to be sought against 12-15 year olds. Since 2003 registered social landlords have also been permitted to apply for ASBOs to be granted. An application for an ASBO to be granted is made on a civil basis and can be made by the police, the Local Authority or an RSL. The 2004 Act also introduced powers for ASBOs to be granted on conviction in the criminal court as part of the sentence.

For an ASBO to be granted the court must be satisfied that:

- a) The person has acted in an anti-social manner, ie *"in a manner that caused or was likely to cause harassment, alarm or distress."*
- b) The harassment, alarm or distress must be caused to one or more persons who are not members of the same household as the person against whom the order is made.

- c) The order is necessary to protect persons in the area from further anti-social acts or conduct.

The court has the power to grant an ASBO that prohibits the individual from doing anything that it considers necessary, *“for the purpose of protecting persons in the ... area from further anti-social acts by the defendant.”*

Where an application for an order against someone aged 16 or over is being made we are legally obliged to consult with the chief constable for the area where the individual resides, or appears to reside. The local authority must also be notified before any application for an ASBO is made. The legal requirement is that we notify the local authority, however, **consulting** with the local authority is good practice. It is important to consult the local authority on their view and how they feel the case should be handled, as they may be able to provide relevant information.

If the perpetrator is aged 12-15 we are **required** to consult with not only the local authority and chief constable of the police but also the Principal Reporter.

Whilst it is possible to proceed an application for an ASBO without the support of consultees, this could potentially damage the application in the eyes of the court. Consideration should be given to all available alternatives and the reasons for the consultees opposition to the application. The reasons for the consultees objection **will** be made available to the court when the application to grant an ASBO is being considered. This makes it vitally important that a consensus is reached among all parties prior to any application going to court.

Interim ASBOs

Where it is the intention to apply for a full ASBO, an interim order should be sought if it is considered likely that the perpetrator will attempt to intimidate any witnesses.

Interim orders are a provision of the Anti Social Behaviour (Scotland) Act 2004, replacing the provisions of the Crime and Disorder Act 1998. The order can be granted at an initial court hearing held in advance of the full hearing. The sheriff must be satisfied that *prima facie* the person has engaged in anti-social behaviour and an interim order is necessary to protect the public from further anti-social behaviour. The temporary order can impose the same prohibitions as a full ASBO, and it also has the same penalties for any breach of the conditions. An interim order may be granted provided the individual named on the application has received intimation of the initial writ and that the sheriff is satisfied that the anti-social conduct complained of would be fully established at a full hearing. The interim order will be in force until the application for the full order is completed.

An interim order is beneficial in that it gives the court power to act immediately to prevent anti-social behaviour. The interim ASBO also reduces the risk of witness intimidation as it

makes it unlawful for an offender to continue the behaviour while the ASBO application is being processed. In addition, the order removes any incentive for the perpetrator to delay the proceedings.

Repossession Decrees

The most extreme course of action available to tackle anti-social behaviour is to begin proceedings to seek repossession. This action should only be considered in the most extreme circumstances where it is felt it is the only available action remaining. The final decision to evict is taken by the Board.

Notices of seeking repossession should only be issued where it is the full intention to follow it through, and enter the case into court. The rationale for attempting to avoid this action is that the eviction of the individual may only serve to move the ASB elsewhere and does not tackle the issue itself. It can also be the case that the perpetrator remains in the vicinity and continues to behave in an anti-social manner, despite the fact they have been evicted.

It is often the case that the Sheriff will prefer to continue court actions. The process can be costly and time consuming with the anti-social behaviour continuing in the interim. This means that where it has been decided to commence possession proceedings against an individual, consideration should be given as to whether we should seek an ASBO or interdict at the same time.

Chapter 7: Complainant and Witness Support

It is essential that we are seen to be putting in place appropriate supportive measures for witnesses. Failure to do so could make potential witnesses unwilling to engage with us. Witnesses need to feel a sense of trust, and feel assured that we will respond to their complaint with respect and in confidence. It is important that the consent of the complainant is obtained prior to any approach to the perpetrator. A judgement should be made to determine how beneficial intervention will be, and caution should be applied if it is felt that intervention will aggravate the situation.

In order to gain the trust of witnesses, and make them willing to engage with us, the following measures can be employed:

- Large-scale door knocking to make contact with those potentially affected by the anti-social behaviour and arranging to meet groups of neighbours. (Caution will need to be applied if we arrange residents group meetings to discuss a case and that we do not appear to be participating in a 'witch hunt'). This can result in more evidence and provides individuals with group support.
- Use of 'neighbourhood letters' to encourage other witnesses to come forward.
- Maintaining close contact with neighbours and witnesses by use of regular visits in order to build up trust and support.
- Being realistic about the process and the possible outcomes in order to enable witnesses to assess the situation realistically.
- **Complainant confidentiality is key.** Ensure that wherever possible individual complainant details are not revealed to the perpetrators.
- Using interdicts to ensure that witnesses feel protected from intimidation.
- Arrange for organisation's solicitor to visit individual witnesses or groups of witnesses, in their homes, to explain the court process and provide continuing support, where appropriate.
- Ensuring that partner agencies, such as the police and social services are aware of the situation so they can also provide support.
- Arrange for witnesses to be taken on accompanied visits to the court prior to the hearing.
- Offer witnesses temporary alternative accommodation during the lead up to the trial.

- Providing mobile phones, property and personal alarms and extra physical security measures such as fire safe letterboxes.
- Maintaining contact after the court hearing and where appropriate refer for counseling.

Chapter 8: Monitoring and Review

It is essential that we keep close checks on the level and trend of ASB, both to record the actual position over a period of time relative to our targets and to monitor the effectiveness of these procedures and our policy.

These procedures include a strong emphasis on monitoring systems to ensure that they are followed properly, promptly and fairly. It is the responsibility of the Tenancy Management Officer as well as of senior staff to monitor and manage trends on a continual basis.

Monitoring and Reporting Processes

Informal

Individual cases should be reviewed informally but regularly to make sure that cases are being drawn to a close or progressed to the next stage of action as required.

Officers must follow up the next appropriate action on cases as they progress along the action paths set up according to our policy.

A variety of reports are available from the ASB Access Database to assist with this.

Monthly

The Team Leader will hold a case conference with individual Officers in order to review and discuss cases and concerns and to identify any developing trends. Systems will be set up so that the trends can be monitored within a caseload on a patch basis and workloads reviewed as required.

The Team Leader will brief the Manager on trends and proposals as and when required but generally at one to one meetings.

Quarterly

The Team Leader or relevant TMO will attend quarterly ASBPG meetings and will refer, update and close our cases as appropriate.

The Team Leader will collect quarterly information and inform the Performance Committee reports with the relevant details and narrative. The Manager will review totals and monitor trends from time to time. The Manager will brief the Director on emerging issues.

Annually

The Team Leader and Manager will complete and return the required annual performance and statistical returns (APSR to 2013 and then ARC from then) to the Scottish Housing Regulator.

Specific benefits of performance monitoring are:

- Making sure action is taken promptly and consistently
- Making sure action is taken fairly and complies with Equal Opportunities legislation
- Making sure action is taken in line with Data Protection requirements
- Target cases by category or type
- Identify trends and priorities for future action

Key Performance Indicators

We must publish certain performance indicators each year as part of our Annual Performance and Statistical Returns (APSR) to the Scottish Housing Regulator.

To ensure compliance with Equal Opportunities legislation the Society will also monitor information on tenants evicted due to ASB.

Targets

The monitoring systems will be a tool to compare results achieved against the key performance areas. Our key performance indicators and targets are included at Appendix 3. Targets will be reviewed and set annually.

In addition, our Regulator expects us to compare actual performance with their performance standards and work towards benchmark results of our peer group. We are members of the SHBVN and will use their statistical information for comparison purposes.

Reviewing

We are committed to monitoring and reviewing policies and associated procedures on a regular basis. A review will be carried out no later than three years after the introduction of this procedure, though changes and updates may be issued at any time as required.

Staff are encouraged to feedback on our policy and procedures to senior staff, so that changes can be discussed and made if required, and so that we can continually improve on what we do.

Complainants can provide feedback on how our policy and procedures have been implemented by completing a customer satisfaction form (**see appendix A2.4**). These should

be issued within 6 months of the case being closed, along with a follow up enquiry to ensure that the situation remains stable.

Appendices

A1 Flowcharts

- A1.1 Anti-Social Behaviour Procedures
- A1.2 Anti-Social Behaviour Order Procedures

A2 Pro-formas

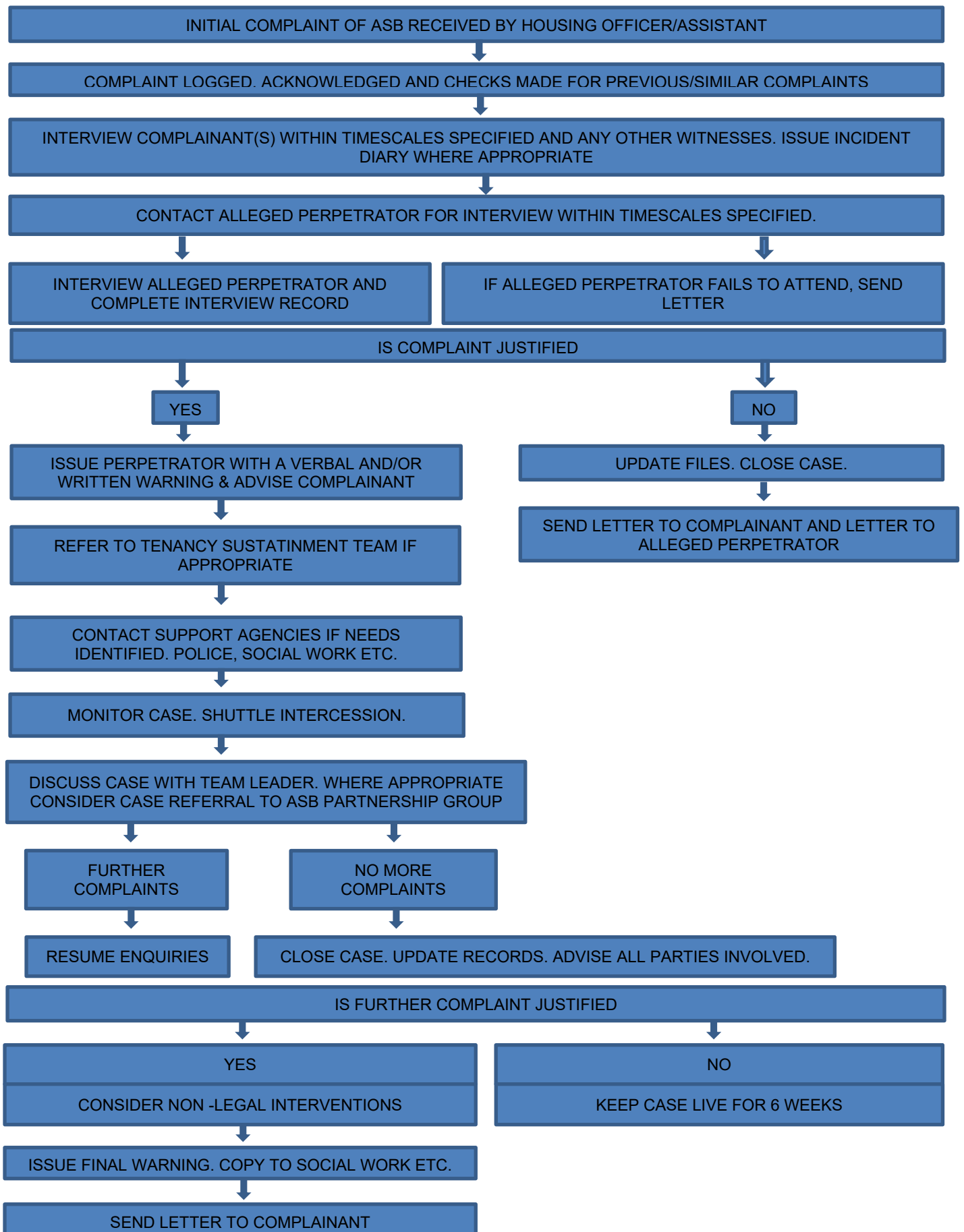
- A2.1 Witness Statement Form
- A2.2 File Note
- A2.3 Diary Sheets
- A2.4 Customer Satisfaction Form
- A2.5 Good Neighbour Agreement Form

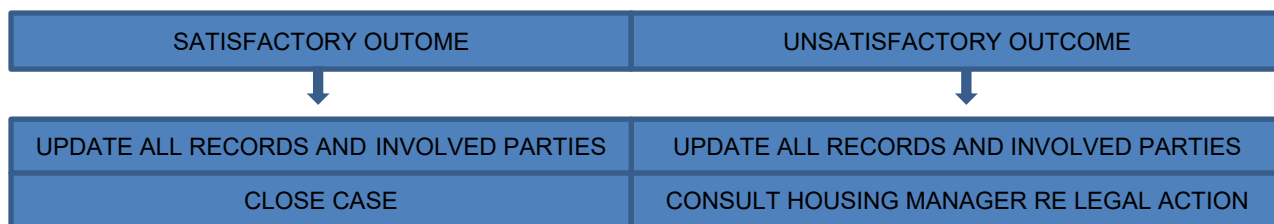
A3 Example Letters

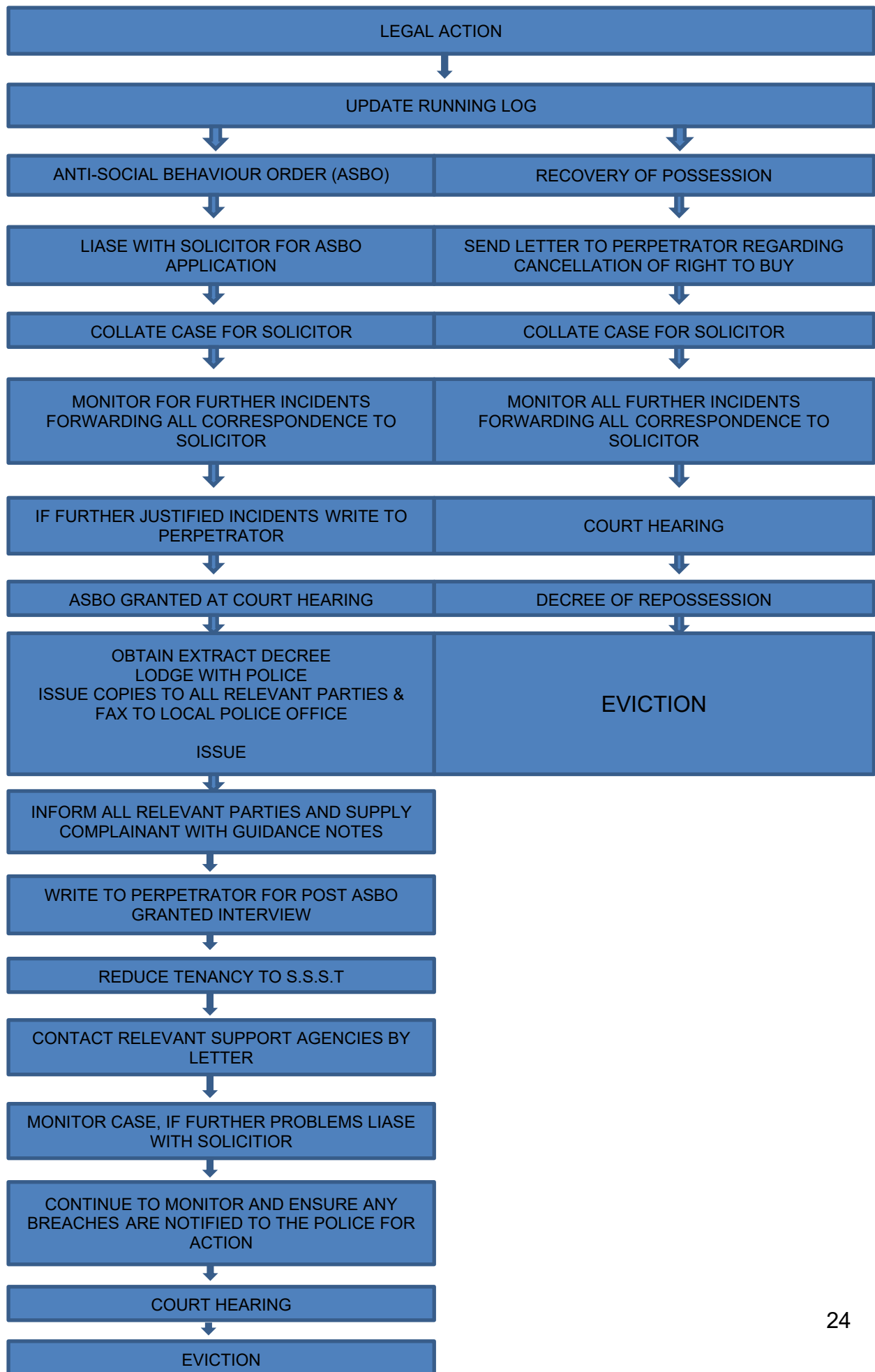
- A3.1 Acknowledgement
- A3.2 First Action
- A3.3 Formal Warning
- A3.4 Legal Action
- A3.5 NoP covering letter
- A3.6 Case Closed

A4 Performance Indicators and Targets

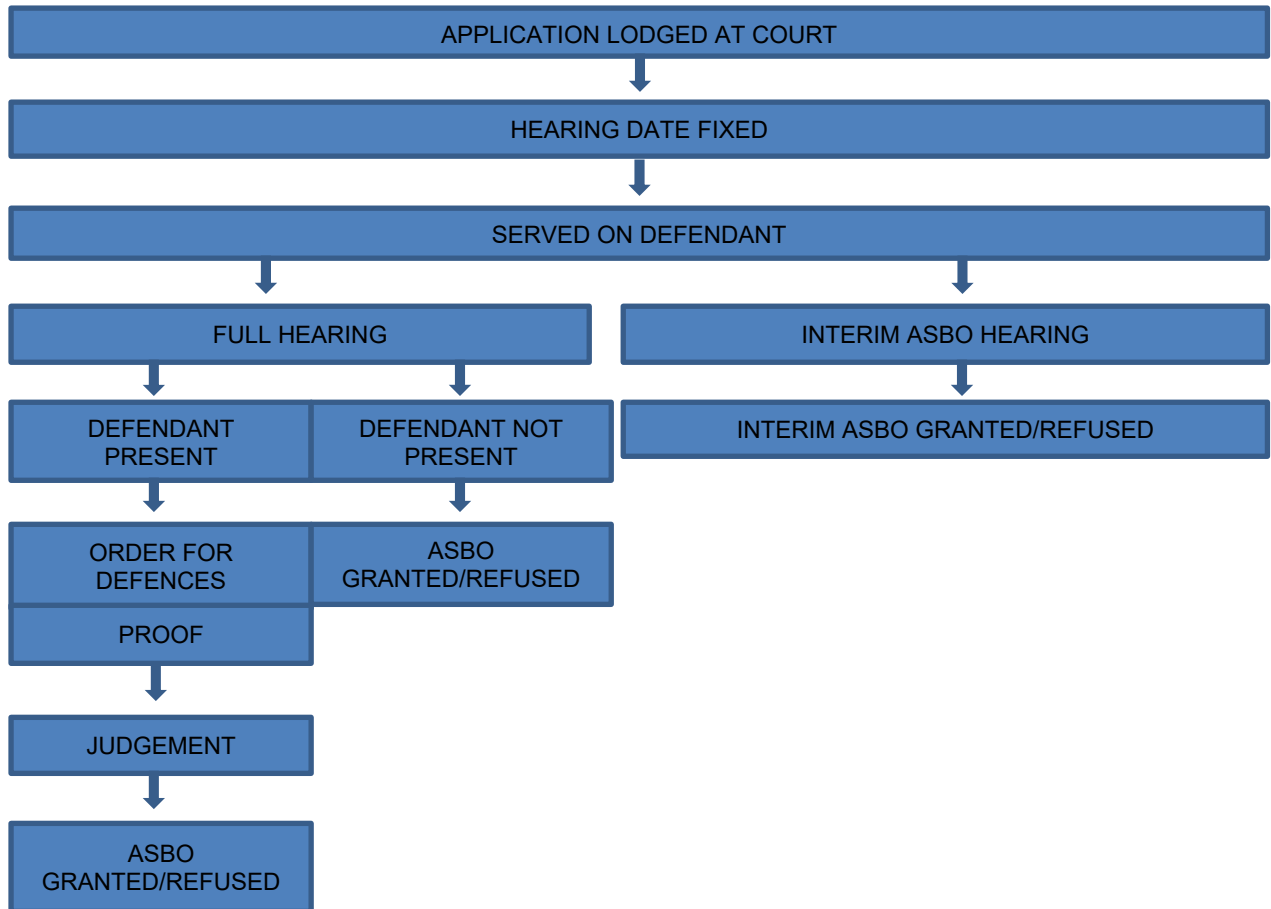
ANTI SOCIAL BEHAVIOUR FLOWCHART







A1.2 - ASBO COURT PROCEDURE



WITNESS STATEMENT FORM

Surname:

Forename(s):

Title:

Date of Birth:

Occupation:

Address and Telephone No. :

Name and Dept. of person noting statement _____

Time: _____ Day: _____

Location of statement taking: _____

1. This statement is a record provided by the above named witness and should reflect actual descriptions of occurrences, times etc. in their own words and a chronological order.
2. Once taken, the witness should be asked to read or have the statement read back to them and to confirm by signature on each page that the statement is an accurate and true description of the incidents detailed therein.
3. Any relationship between the witness and any others involved in the case should be defined. e.g. brother, employee etc.
4. The ability of the witness to identify the defender(s) should be recorded i.e. names/addresses of individuals if known and how long they have known the defendant(s). Clothing at time of occurrence should also be recorded if possible.
5. The person recording the statement should note any other relevant information at the end of the document e.g. "Witness is hard of hearing", "poor understanding of language", eyesight problems etc.
6. Where necessary, continuation sheets can be used but each additional page must also be numbered, signed and dated by the witness.
7. Make a point of asking " ...How did this incident make you feel?..." at the end of the statement and note the response/reply.

I (name) _____ confirm the details recorded above are correct.

Signature: _____ Date: _____

What happened: (write down what the witness personally observed or heard, and be as specific as possible. Please include any foul or abusive language used. Continue on separate sheet if necessary.)

I (name) _____ confirm the statement taken above is true to the best of my knowledge and belief and reflects the circumstances reported to me.

I (name) _____ confirm the statement taken above is true to the best of my knowledge and belief and reflects the circumstances reported to me.

Signature: _____ Date: _____

ASB FILE NOTE

Name	
------	--

Address					
Description of Incident (key points only)			Date of Incident		
How it impacted person making complaint?					
Police involved? Incident numbers?					
Witnesses? Names and addresses if know					
Agreed Actions					
Advice/ Assistance Given		ABC Issued		Referred to ASBPG	
Verbal Warning		UBN Issued		Decree awarded	
Written Warning		Interdict		Eviction	
Referred to Mediation		ASBO		CATEGORY 1	
NOP		Referred to Court		CATEGORY 2	

**ANTI
SOCIAL
BEHAVIOUR**



INCIDENT DIARY

NAME:

ADDRESS:

.....
.....
.....

CONTACT NUMBER:

Use this Diary if

If your neighbour's behaviour, or someone in your community is causing you problems, we would encourage you to speak with them. It may be the case that they are not aware that their behaviour is affecting you. However, do not put yourself at risk. Keep your personal safety in mind at all times.

After speaking with them, give your neighbour some time to change their behaviour. If talking to them doesn't work and you don't see an improvement after some time, then it is possible that Albyn Housing Society will be able to help.

Personal Record

Please write what you have seen/heard. Do not record anything witnessed by any third party.

Date and Time

You should complete one sheet per incident as soon after the incident takes place. Make a note of the time and date of any incidents. For example if you are disturbed by loud noise/music, note what time it starts; what time it finishes and how often the incidents occurs

Details of Incident

Detail everything you witness concerning the incident. For example if the incident involves shouting, state how many individuals are involved and ensure you note word for word what is said.

Individuals Involved

If you can identify those involved, please name them. Also note the name/s of anyone who witnesses the incident (please ensure you have the permission of the witness/s before naming them).

Evidence

We cannot take action against someone simply because another person has reported them-we will need evidence. If you have contacted the Police or Albyn Housing Society, record this along with any other details including Police Incident numbers. It is important that you keep us informed.

When you have completed the Diary

Sometimes it may be necessary to gather evidence over a period of time. There must be substantiated complaints to demonstrate the unacceptable behaviour and that this behaviour has had a significant detrimental effect on you. That's why it's important to state how this behaviour has affected you and the impact on your quality of life.

Upon completion, or on our request, pass your sheets to your Tenancy Management Officer. They will investigate any complaints recorded and decide if there is any substance to the complaint/s. They will discuss in more detail possible solutions, and advise you when they have concluded their investigations.

Anti Social Behaviour Diary

Date and Time of Incident

Date:.....

Start Time:.....

End Time:.....

Where did the Incident take place

Address (if different to your own)

.....
.....
.....

Who was responsible/who was involved

Name and Address of individual/s if known or a description of them if they are not

.....
.....
.....

What Happened

What you witnessed and heard

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Any Other Information

How often it occurs? How has it affected you? Did you report it to the Police? Who else was involved?

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Please state what would be an acceptable result for you?

.....
.....
.....
.....

Your Signature

I believe that the information I have provided above is a true description of the incident/s

Signature: Name:.....Date:.....

Please note if your Diary is used in Court you must provide a truthful Statement

ANTI-SOCIAL BEHAVIOUR CUSTOMER SATISFACTION FORM

REPORTING YOUR CONCERNS:

1. *How satisfied were you with the help provided by staff on receipt of your concern?*

VERY SATISFIED ☐
 FAIRLY SATISFIED ☐
 QUITE SATISFIED ☐
 SATISFIED ☐
 NOT SATISFIED ☐

Comments:

2. *How well were you kept informed while your concern was being investigated?*

VERY WELL ☐
 FAIRLY WELL ☐
 QUITE WELL ☐
 WELL ☐
 NOT WELL ☐

Comments:

SATISFACTION WITH THE SERVICE:

3. *In general, are you satisfied with the way your ASB concern was dealt with?*

YES ☐
 NO ☐
 NOT SURE ☐

Comments:

SATIS

4. Has your ASB concern been resolved to your satisfaction?

YES

☐

NO

☐

NOT SURE

☐

Comments:

5. Have you any other comments/suggestions for improving the ASB service?

Comments:

GOOD NEIGHBOUR AGREEMENT



What you can expect from Albyn Housing Society as your landlord

Albyn Housing Society is fully committed to:

- fully investigating complaints of anti social behaviour
- making referrals to mediation services to allow neighbour disputes to be dealt with at an early stage
- keeping complainants fully informed of the progress of their complaint
- working closely with our partners such as the Police in order to deal with complaints effectively
- ensuring that effective action is taken against tenants who do not accept responsibility for the offensive actions of their children or visitors to their home
- providing a confidential service and offer support to victims of anti social behaviour
- taking the strongest possible action, where necessary, to ensure a peaceful living environment for all residents in their community, including (where the Council consider it appropriate):
 - issuing verbal and written warnings
 - issuing Acceptable Behaviour Contracts
 - taking action for recovery of possession (eviction)
 - making applications for Anti Social Behaviour Orders
 - taking other legal remedies.

Your rights, responsibilities and what we expect from you

The right to enjoy your home and the area you live in

Albyn Housing Society is committed to tackling anti social behaviour as and when it occurs, but to do so we need your support. We will not tolerate such behaviour taking place in our communities and ask for your commitment to work with us so that all residents enjoy living in their Albyn property.

What is anti social behaviour?

Anti social behaviour is defined as `acting in a manner that causes, or is likely to cause alarm, harassment or distress to one or more people in another household` so

can cover a wide range of behaviour from littering or dog fouling, to serious harassment.

About this agreement

As a tenant of Albyn Housing Society, we are encouraging you to sign this agreement as a commitment that neither you, members of your household or visitors to your home will behave in a manner that affects the peace and quality of life of your neighbours.

Albyn Housing Society recognises that every tenant has the right to:

- Security in their own home
- Live peacefully without disturbance from their neighbours
- A decent environment
- as much support and assistance as possible if they are the victims of anti social behaviour (this may range from help in reporting your complaint to assisting you if you have to appear in court).

To help Albyn Housing Society achieve this we expect you to:

- show consideration for your neighbours and not to cause nuisance or disturbance to them or their visitors.
- be aware of the problems caused by excessive noise, particularly regarding late night use of domestic appliances, stereo equipment and visitors to your property.
- make sure that your children are aware that respect needs to be shown to your neighbours and their property, especially in flats where areas are shared (being a good neighbour applies to your children too)
- ensure that no damage occurs to Albyn property by you, by other persons residing with you or visitors to your property
- be responsible for the behaviour of your visitors
- keep your house in a reasonable state of cleanliness and decoration
- make sure that security doors are closed properly (this applies to visitors too)
- keep your garden tidy
- store your rubbish in the bins provided and ensure bin collection arrangements are respected
- keep pets under control by cleaning up after them and not allowing them to foul in communal areas (inside or outside your home)
- ask us for permission if you wish to use your home for business purposes
- let us know if your property will be unoccupied for 28 days or more, otherwise we may believe that it has been abandoned and reclaim possession (please give us a contact address in case of any emergencies, for example burst water pipes, while you are away)
- park your vehicles with consideration and courtesy for your neighbours.

Declaration: Good Neighbour Agreement

I / We.....

the tenant(s) of.....

**agree to abide by the terms of this agreement and be a good tenant of Albyn
Housing Society.**

Signed: (Tenant/s).....

Date:.....

Ref: /

2012

Dear

Complaint -

I write to you following your complaint of .

Thank you for bringing this matter to my attention. I shall be investigating your complaint, will take appropriate action and will keep you informed of progress being made.

Should you have any queries about this letter, please do not hesitate to contact me.

Yours sincerely.

Tenancy Management Officer

Direct Dial:

Email:

Ref:

2012

Dear

Complaint -

Anti-Social Behaviour and Noise Nuisance Complaints

I refer to the numerous calls received involving complaints of noise nuisance and anti-social behaviour at your tenancy.

I understand that you and your visitors are generally causing nuisance and annoyance to your neighbours by frequently playing loud music/shouting etc. This level of noise not only disturbs the residents within your block of flats but also neighbouring properties.

Your Tenancy Agreement states clearly under Section 3 "Respect for Others" that you must not harass or act in an anti social manner to, or pursue a course of anti-social conduct against, any person in the neighbourhood or in any premises owned by us. "Anti-social" means causing or likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to anyone's property. A course of conduct must involve conduct on at least 2 occasions.

I visited your tenancy on **DATE**. We discussed the impact of loud music/parties etc on others. You assured me that there was a one off incident involving your tenancy and that after the incident you were not allowing certain individuals into your home. Unfortunately the information I have received indicates otherwise and, I am satisfied that you are/have been in breach of the term 3 your Tenancy Agreement. Therefore I am issuing this letter as a **Formal Written Warning** regarding the conduct of your tenancy. Should I receive any further complaints, I will proceed with the next course of action, which could result in you losing the tenancy.

I trust that you will take note of the contents of this letter and take all reasonable steps to ensure that the Society received no further complaints of this nature.

Yours sincerely

Tenancy Management Officer

Direct Dial:

Email:

Our Ref:

2012

Dear

NOTICE OF PROCEEDINGS FOR RECOVERY OF POSSESSION

I enclose a notice of proceedings for recovery of possession due to continued anti-social conduct at your tenancy.

This is an official document and commences our legal action against you for repossession of your home.

Unless (*your/family/guests*) behaviour improves and anti-social activities cease, Albyn will have no option but to raise an action in the Sheriff Court to recovery the tenancy and ultimately your home. Should our action against you be successful your ability to secure another tenancy from a Social Landlord will be badly affected.

For you own sake, it is essential that you attend to this situation now. Please contact me at this office if you would like to discuss this further.

Yours sincerely

Tenancy Management Officer

Direct Dial:

Email:

Ref: /

2012

Case Closure Letter

Dear

Complaint -

I am writing to you about your complaint of anti-social behaviour regarding (name) who lives at (address).

*I am now closing the case because the matter has been investigated and has been resolved to your satisfaction

*I am now closing the case because the matter has been investigated and has been resolved to our satisfaction.

*I am now closing the case because following our investigation, there have been no further reports from you in the last month.

FURTHER COMMENT HERE

If I can be of any further assistance in this matter, or if there are any further instances of anti-social behaviour in the future, please do not hesitate to contact me at the address above.

Yours sincerely

Tenancy Management Officer

Direct Dial:

Email:

*choose most appropriate

Proposed Performance Indicators and Targets – 2012/13
Management of Anti Social Behaviour Complaints

Performance Indicator	Type	Target	Frequency	Purpose
Number of new cases during a quarter	Total		Quarterly	Track trends
Number of cases closed during a quarter	Total		Quarterly	Track trends
Number of active cases at end of quarter	Cumulative Total		Quarterly	Track trends
Types of ASB recorded for active cases	Count by type / area/ household type		Quarterly	Track trends
Main intervention for cases closed	Count by type and category		Quarterly	Track effectiveness of different measures & policy aims
% initial contact within category timescale	% by category	90%	Quarterly	Monitor performance
% follow up contact within timescale	% all	90%	Quarterly	Monitor performance
% Category 1 cases progressed to legal action within 6 months of initial complaint	%	50%	Quarterly	Monitor performance
% Category 2 cases closed within 6 months of initial complaint	%	75%	Quarterly	Monitor performance
Average days to resolve cases	Sum by category		Quarterly	Monitor performance
Complainant satisfaction	%	75%	Annually	Monitor performance & identify policy or procedure issues for review
Repeat cases	% + analysis by type		Annually	Assess sustainability of resolved cases

Number of Category One cases	Total	n/a	Quarterly	Track trends Workload demands
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Number of Category Two cases	Total	n/a	Quarterly	Track trends Workload demands
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Number of NOPs issued	Total	n/a	Quarterly	Track trends
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Court actions initiated	Total	n/a	Quarterly	Track trends
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Evictions	Total	n/a	Annually	Track trends. Sustainability review
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