

## ANTISOCIAL BEHAVIOUR POLICY

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Feb. '25	CSM (Tenancy Ops.)	V2	V3	Policy review
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## CONTENTS

1.	INTRODUCTION & POLICY STATEMENT	1
2.	AIMS & OBJECTIVES	1
3.	SCOPE	2
4.	RESPONSIBILITIES	2
5.	DATA PROTECTION	3
6.	EQUALITIES	3
7.	LEGISLATION	3
8.	THE SCOTTISH SOCIAL HOUSING CHARTER	4
9.	DEFINING ANTISOCIAL BEHAVIOUR	5
10.	OUR APPROACH	5
11.	STAFF & BOARD RULES	9
12.	PERFORMANCE MONITORING	9
13.	COMPLAINTS	10
14.	POLICY REVIEW	10

## **1.0 INTRODUCTION AND POLICY STATEMENT**

The Albyn Group (the Group) aims to build our purpose, our mission, our values and our vision into our policy and decision making daily. With that in mind, our guiding principles apply to all of the Group's policies: <https://www.albynhousing.org.uk/about-us/>

- 1.1 This policy outlines the Group's approach to tackling neighbour disputes and reports of antisocial behaviour. The Group fully recognises the rights of tenants and their neighbours to enjoy a peaceful home to live in and expects its tenants to respect the values and lifestyle of others within the community and to act reasonably and with consideration to others. We are aware of the detrimental effect that antisocial behaviour can have on other residents.
- 1.2 In view of this, the Group believes that taking appropriate action in dealing with antisocial behaviour is vital in its efforts to achieve its objective of creating and maintaining stable balanced communities where people feel safe and secure.
- 1.3 The Group will use all powers available to it to deal effectively with antisocial behaviour incidents and will always try to assist where practical. However, residents must be made aware that the Society can only act where there is clear wrongdoing and where corroboration (proof) exists. Residents, equally, must take responsibility by reporting any antisocial behaviour to the Police, where appropriate, in addition to advising the Group of the alleged antisocial behaviour. When required, the Group will work closely with other agencies whose functions and remits extend to dealing with antisocial behaviour.
- 1.4 The policy will be accompanied by formal written procedures to ensure its proper implementation. The procedures will provide a more practical operational level of guidance to assist staff to execute their duties in accordance with the policy.

## **2.0 AIMS & OBJECTIVES**

- 2.1 The Group aims to deter and tackle antisocial behaviour by proactive management and will take an early intervention approach and drawing on partnership working with a wide range of agencies, including but not limited to Police Scotland, Scottish Fire and Rescue Service and Highland Council, as well as relevant support organisations.
- 2.2 The Group will make every effort to ensure that its residents comply with their tenancy or residency conditions and can enjoy living in their homes and communities free from the effects of antisocial behaviour.
- 2.3 The Group will respond appropriately to all complaints of antisocial behaviour, in line with agreed standards, targets and good practice, and will endeavour to meet the timescales contained in this policy for responding to different classifications of antisocial behaviour. We will listen sympathetically to all our tenants, and record all complaints and actions taken in a clear and consistent manner.
- 2.4 The Group will support victims of antisocial behaviour, investigate and evaluate cases to assess the most appropriate action necessary to resolve the behaviour, and provide anonymised information on our performance via our publications and Annual Return on the Charter (ARC) to the Scottish Housing Regulator.

- 2.6 The Antisocial Behaviour Policy supports the strategic requirements of the Group's Business Plan and links to the Estate Management Policy, Equalities Policy and Risk Management Strategy.

### **3.0 SCOPE**

- 3.1 The policy applies to all Albyn Group staff, contractors, partnership agencies, tenants and customers with an interest in our Antisocial Behavior policy and procedures.
- 3.2 The policy applies to all tenures managed by us including:
- Scottish Secure Tenancies
  - Short Scottish Secure Tenancies
  - Private Rented Tenancies
  - Occupancy Agreements
  - Short Assured Tenancies
  - Supported Tenancies
  - Shared Ownership
  - Shared Equity
  - Owner Occupiers
  - Garage Tenancies

### **4.0 RESPONSIBILITIES**

- 4.1 The Boards of the Albyn Group have overall responsibility for approving this policy for implementation. The Leadership Team are responsible for implementing the policy in accordance with legislative and regulatory requirements. The staff are responsible for ensuring the policy and procedures are followed.

### **5.0 DATA PROTECTION**

- 5.1 All personal data processed when implementing this policy will be done so in accordance with the Data Protection Act (2018) and UK GDPR.
- 5.2 A Privacy Notice setting out how Albyn Housing Society will process the personal data of its customers is available at: <https://www.albynhousing.org.uk/privacy-notice/>. Privacy Notices for customers of Highland Residential (Inverness) Ltd are available at: <https://www.highlandresidential.co.uk/data-protection/>.

### **6.0 EQUALITIES**

- 6.1 We will make copies of this policy available in a range of formats, including large print and in other languages where required. We will also work to meet the Equalities section of the Social Housing Charter, which states that Registered Social Landlords perform all aspects of their housing services so that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services. Staff will also be alert to whether any incidences of antisocial behaviour are or are linked to hate crime.

### **7.0 LEGISLATION**

- 7.1 With regard to statutory requirements the Society has considered the following legislation:

- The Housing (Scotland) Act 2001 (the “2001 Act”), which established the regime of Scottish Secure Tenancies, the terms of such tenancies, the grounds for repossession of a tenancy and procedural requirements
- The Housing (Scotland) Act 2010, which introduced new pre-action requirements for court actions to recover possession of a Scottish Secure Tenancy on grounds which include rent arrears, by amending sections 14, 14A and 16 (“the 2001 Act”)
- The Housing (Scotland) Act 2014, which further amended the 2011 Act to change the way in which a Scottish Secure Tenancy can be ended following a conviction for serious antisocial or criminal behaviour.
- Section 14 (2) of the 2014 Act removed the requirement on social landlords to prove ‘reasonableness’ in a court action for eviction where 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 which was committed in, or in the locality of, the house.

Section 7 of the 2014 Act creates a new Scottish Secure Tenancy for anti-social behaviour and extends the circumstances when a Scottish Secure Tenancy may be converted to a Short Scottish Secure Tenancy to include where a tenant or someone living with the tenant has acted in an antisocial manner or pursued a course of conduct amounting to harassment of another person. This conduct must have been in or around the property occupied by the tenant(s) and it must also have happened in the 3 years before the notice is served.

- The Antisocial Behaviour etc (Scotland) Act 2004 is , which applies to all tenures and sets out the main powers of enforcement available to housing associations and others in addressing antisocial behaviour (separate to those related to tenancy breaches).
- The Act extended the powers of Antisocial Behaviour Orders (ASBOs) and introduced other penalties such as Parenting Orders, seizure of vehicles and equipment, Fixed Penalty Notices and fines. The Act also includes noise control provisions and seeks to address other environmental concerns such as fly-tipping, litter, graffiti, etc.
- The Equality Act 2010 (the public sector equality duty) requires public bodies to have due regard to the need to eliminate discrimination, promote equality of opportunity and foster good relations. the Equality Act 2010 introduced 9 protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

- The Regulation of Investigatory Powers (Scotland) Act 2000, which governs investigative techniques used to gather evidence of anti-social behaviour.
- The Dangerous Dogs Acts 1991 and 20-24, which regulates the ownership of dangerous dog breeds.
- The misuse of Drugs Act 1971, which makes the possession, supply, or production of certain drugs illegal.
- The Data Protection Act 2018 and UK GDPR, which sets the rules for gathering, processing and sharing personal information.
- The Human Rights Act 1998 which incorporates the European Convention on Human Rights (ECHR) into UK law, requiring registered social landlords to respect tenant' rights, including the right to private and family life, when managing antisocial behaviour and contemplating proceedings for recovery of possession.

## **8.0 THE SCOTTISH SOCIAL HOUSING CHARTER**

8.1 The Antisocial Behaviour Policy complies with the regulatory requirements contained in the Scottish Social Housing Charter and, in particular:

6: Estate management, Antisocial behaviour, Neighbour Nuisance and Tenancy Disputes'

'Social landlords, working in partnership with other agencies, help to ensure, as far as is reasonably possible, that:

- Tenants and other customers live in well-maintained neighbourhoods where they feel safe.'

8.2 As required by the Housing (Scotland) Act 2010, section 31 sets the standards and outcomes that all social landlords should aim to achieve when performing their housing activities.

8.3 With regard to the prevention and management of antisocial behaviour the other relevant Charter outcomes include:

8.3.1 Equalities: every tenant and other customer has their individual needs recognised, is treated fairly and with respect and receives fair access to housing and housing services

8.3.2 Communication: social landlords must manage their businesses so that: tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides Estate management, antisocial behaviour, neighbour nuisance and tenancy disputes: Social landlords working in partnership with other agencies, help to ensure as far as reasonably possible that: tenants and other customers lived in well maintained neighbourhoods where they feel safe

8.3.2 Tenancy sustainment: social landlords ensure that tenants get the information they need on how to obtain support to remain in their home and ensure suitable support is available, including services provided directly by the landlord and by other organisations. Housing Options involves social landlords ensuring that people at risk of losing their homes get advice on preventing homelessness.

## **9.0 DEFINING ANTISOCIAL BEHAVIOUR**

9.1 The Group's Scottish Secure Tenancy Agreement reflects the definition contained in the Housing Scotland Act 2001 and defines antisocial conduct as:

"causing or likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to anyone's property. Harassment of a person includes causing the person alarm or distress. Conduct includes speech. A course of conduct must involve conduct on at least two occasions. "

9.2 Section 143 of the Antisocial Behaviour (Scotland) Act 2004 defines antisocial conduct as:

"A person engages in antisocial behaviour if he/she:

- a. Acts in a manner that causes or is likely to cause alarm or 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."

9.3 Antisocial behaviour can manifest itself in many ways, often depending on local circumstances, and can range from a minor irritation to serious criminal activity. In practice, antisocial behaviour covers a wide range of actions and behaviour including, but not limited to, the following:

- Harassment and intimidating behaviour
- Behaviour that creates alarm, distress or fear
- Noisy neighbours
- Drunken and abusive behaviour
- Vandalism, graffiti and other deliberate damage to property
- Failure to control animals and pets
- Use or sale of drugs or other substances.

9.4 Antisocial behaviour covers a wide range of actions and behaviours, and the perceptions may differ amongst tenants, residents, neighbours, the Group's housing staff or courts.

9.5 Relatively minor breaches of the Group's tenancy agreements, such as failure to maintain garden areas satisfactorily, will not normally be classed as antisocial behaviour but will be dealt with under the Group's estate management procedures.

## **10.0 OUR APPROACH**

### **10.1 Landlord responsibilities**

Everyone is entitled to live in their homes free of harassment, fear and disruption from others. Landlords are responsible for investigating all allegations relating to antisocial behaviour, against tenants, those residing in tenanted properties and visitors to tenanted properties, as well as ensuring that others can live in their homes in peace. We will:

- Promptly respond to, and record, all complaints of antisocial behaviour fairly and equally.
- Interview all parties in person, where practically possible
- Investigate all allegations in strict confidence and remain impartial throughout.
- Discuss security measures and provide advice if there is a threat to a persons' safety.
- Assist the victim(s) with taking the case to the police and / or other appropriate organisations if the perpetrator has committed a criminal offence.
- Rehouse the victim, or the person behaving in an antisocial manner if it is deemed to be necessary and appropriate.

- Offer support to victims, witnesses and perpetrators, including noise monitoring equipment and the offer of mediation, where appropriate.

## 10.2 Preventative measures

We will seek to prevent, as far as is possible, cases of antisocial behaviour and neighbour disputes. Such preventative measures include:

- Practical measures to reduce noise nuisance and overall security through improvement contracts and design.
- Re-enforcing tenancy agreement obligations at tenancy sign-up and settling in visit.
- Providing all tenants with a Tenant Handbook which gives further detailed information about their tenancy and what is expected of them and their neighbours.
- Regularly communicating information concerning antisocial behaviour via methods available to us such as our website and newsletter.
- Considering the suitability of the locality and the potential impact on neighbours when allocating housing - recognising the part played by insensitive or inappropriate allocations of housing in potentially contributing to neighbour disputes.
- Avoid rehousing tenants or former tenants for a certain period of time where there is clear evidence of antisocial behaviour perpetrated by them or by their household. As per the Highland Housing Register Policy, we may suspend a tenant's housing application for up to six months if, following investigation, there is clear evidence of antisocial behaviour by the tenant, anyone living with the tenant or visiting the tenant, or if there is clear evidence that the tenant, anyone living with tenant or visiting you has been subject to legal action in relation to antisocial behaviour (usually within the last three years).
- Adopting clear procedures for routine estate management such as common area inspections to ensure that tenants are complying with their obligations in respect of estate management.
- Working in partnership with other organisations to minimise the possibility of conflicts arising from poor service delivery or lack of support.
- Establishing close liaison with local police and CCTV operators, and co-operating in practical ways to combat crime and antisocial behaviour.

## 10.3 Categories of complaint

We will define complaints of antisocial behaviour as follows:

### **CATEGORY A - Very Serious Complaints**

Complaints which concern a conviction for drug dealing, criminal behaviour involving serious incidents of violence or threats of violence towards any member of the public, including members of staff, serious assault, serious harassment, racial harassment, incidents of sectarian abuse and serious damage to property, including fire raising. Typically, the police will also be involved.

### **CATEGORY B – Serious Complaints**

Complaints which concern aggressive / abusive behaviour, frequent disturbance, vandalism, drug / solvent / alcohol abuse (which results in incidents of antisocial behaviour), verbal / written harassment, and frequent / persistent excessive noise.

### **CATEGORY C – Nuisance Complaints**



Complaints which concern established minor breaches of tenancy agreement and / or tenancy conditions which would normally be dealt with in the first instance on an informal resolution or conciliatory basis. Examples, include littering, pet nuisance, infrequent noise / disturbance, misuse of bins or communal areas. If the Category C the breaches become frequent or persistent, the complaint may be escalated to Category B.

#### 10.4 Timescales

The following timescales include interviews, discussions, and feedback of the outcome to the complainant. Any extension to the process will require additional time to resolve.

	Category A	Category B	Category C
Initiate contact with complainer	1 working day	2 working days	5 working days
Initiate contact with neighbours/witnesses	1 working day	3 working days	7 working days
Initiate contact with potential perpetrator	3 working days	5 working days	10 working days
Liaise with other agencies if required	5 working days	7 working days	12 working days
Complaint outcome advised to complainant.	7 working days	20 working days	20 working days

If there is a good reason as to why these timescales cannot be adhered to, the Group shall inform the complainant as soon as possible that an extension to the timescale is required, why it is required and will provide the complainant with the new timescale which apply to the complainant.

#### 10.5 Dealing with Antisocial Behaviour

How the Group deals with anti-social behaviour will depend upon whether the perpetrators are tenants of the Group, or not, as the case may be.

In relation to persons who are **not** tenants of the Group (this may include household members residing in the property and visitors), such appropriate steps may include:

- Antisocial Behaviour Order
- An interdict / interim interdict
- An action of specific implement
- Irritancy (where there is a specific clause in the deeds which imposes the conditions concerned).

Alleged perpetrators of anti-social behaviour who are tenants of the Group, or where the behaviour takes place by visitors to tenants in or in the vicinity of tenanted properties, we will make use of the following, depending on the circumstances and seriousness of the issue:

- a) Tenancy agreement enforcement, including written warnings
- b) Interviews and home visits
- c) Mediation
- d) Noise monitoring equipment

- e) Interagency working, liaising with Police Scotland, The Highland Council, Scottish Fire and Rescue Service, Social Work, other relevant support organisations
- f) Acceptable behaviour contracts (ABC's)
- g) Interdict or interim interdict
- h) Action for specific implement
- i) Antisocial Behaviour Orders
- j) Tenancy conversion to Short Scottish Secure Tenancy
- k) Repossession action and eviction.

Legal advice will be sought on taking all action listed above from point e) onwards.

In all cases where the streamlined eviction process is being considered (for criminal convictions), the Group will:

- obtain a copy extract conviction and police reports;
- have regard to the statutory guidance for social landlords for the streamlined eviction process; and
- consider whether it is proportionate by taking into account a range of factors, including but not restricted to, the nature and severity of the offence; the effect on neighbouring residents; whether the behaviour is ongoing or if positive steps have been taken to prevent a recurrence.

We will take complaints seriously, as follows:

1. We can accept complaints of antisocial behaviour verbally and in writing. Telephone calls will be recorded. Where a complaint is received in person staff will take detailed notes of the discussion held and request that the complainant review and sign these to confirm accuracy. Complaints received by letter and email will be saved within the case file notes.
2. The Group will usually need evidence to act against persons alleged to be causing antisocial behaviour. Complainants may therefore be required to complete diary records of what has taken place. In serious cases, complainants may be required to give evidence in court. In exceptional cases the Group may consider using professional witnesses.
3. All complaints will be treated in confidence if the person making the complaint asks for this. Where total confidentiality is requested, this may restrict the action that the Group is able to take, which complainants will be informed of if they request this. Anonymous reports will be recorded, but it may not always be possible or sensible for the Group to act on an anonymous report unless the source and grounds of the complaint can be verified. Depending on the type of complaint it may not be possible to prevent the perpetrator from guessing the origin of the complaint.
4. The Group is committed to responding to and resolving complaints of antisocial, especially serious complaints, behaviour as quickly as possible. However, more complex cases involving more than one Service or Agency may take time to resolve. In some instances, resolution will only be through criminal proceedings. Target times for an initial response to the different categories of complaint are outlined above. Timescales for further action/involvement, where relevant, should be included in an action plan drawn up by the Group and provided to the complainant.

The Group respond to complaints as follows:

1. Record and investigate all reports or complaints and provide an acknowledgement, updates and responses within the policy timeframes at 10.4.
2. Where practically possible, we will interview all complainants, and where necessary alleged perpetrators of antisocial behaviour. We will keep complainants informed of our progress and of the action, if any, taken in response to their complaint. Feedback may include advice on the limitations of the Group's powers to deal with specific incidents or circumstances and signposting to the most appropriate alternative agency to be contacted or involved.
3. More complex antisocial behaviour cases may involve multi-agency working and as such an extension of the target timeframes may be necessary. The complainant and appropriate parties will be kept informed of any changes to the complaint timescales.
4. Whilst recognising that this is a subjective matter, we will consult on introducing seeking feedback from complainants on how they feel their concerns have been dealt with and reporting on this, in an anonymised manner, to the Group's Board of Management.

## **11.0 STAFF & BOARD RULES**

- 11.1 We will ensure that our staff are aware of the importance of dealing speedily, sensitively, and thoroughly with such issues. We will ensure that all staff with responsibility for dealing with neighbour disputes and antisocial behaviour receive the appropriate training and support.
- 11.2 Staff may be asked to act as professional witnesses in court cases where this is appropriate.
- 11.3 Staff will be authorised to pursue appropriate action to resolve cases of antisocial behaviour. The Deputy Chief Executive Officer and Executive Direction of Operations has responsibility to pursue the eviction of any tenants for acts of antisocial behaviour. Delegated authority to approve eviction of Scottish Secure Tenants based on grounds of antisocial behaviour lies with the Group Chief Executive.

## **12.0 PERFORMANCE MONITORING**

- 12.1 We will monitor performance in relation to neighbour disputes and antisocial behaviour using statutory and local performance indicators. In line with the Annual Return on the Charter (Outcomes 14 and 22), the Board will receive quarterly reports on the number and percentage of antisocial behaviour cases reported, and of the number and percentage resolved.
- 12.2 The Group Chief Executive will approve or reject an eviction decree granted by the court prior to any eviction action.
- 12.3 We will also report each quarter to the Board as per the governance arrangements on the following:
  - Number of tenants evicted on grounds of nuisance and antisocial behaviour.
  - Number of repossessions sought / granted to deal with antisocial behaviour.
  - Number of antisocial behaviour orders sought and obtained, and any breaches of those.
  - Number of conversions to Short Scottish Secure Tenancies due to antisocial behaviour.

- Number of antisocial behaviour reports received, our classification of these and our time-scales for responding to these, including what percentage of cases have been resolved within the target timeframes.

### **13.0 COMPLAINTS**

- 13.1 Complaints regarding our response to, or management of, antisocial behaviour will be referred, in the first instance, to the Group's Customer Service Manager (Tenancy Operations). If the matter is not resolved, complainants will be advised to use the Group complaints procedure, copies of which are available on our website, at our offices and from staff.

### **14.0 SUSTAINABILITY**

- 14.1 The Group is committed to ensuring the success of this policy by promoting a collective responsibility among tenants to prevent and address antisocial behaviour within the community. This initiative reflects our dedication to creating a sustainable, inclusive, and respectful living environment. We encourage tenants to engage in behaviour that maintains clean, safe, and welcoming public spaces, and act against any actions that harm the well-being of others. Through continuous support, education, and resources, the Group aims to prevent antisocial behaviour and cultivate a positive, co-operative community culture. The policy will be regularly reviewed to assess its impact, identify emerging issues, and develop sustainable solutions that enhance both the social and environmental health of the community.

### **15.0 POLICY REVIEW**

- 15.1 This Policy will be reviewed at least every five years or earlier if required by legislation, guidance, or evolving best practice.
- 15.2 The review will take account of legislative changes, policy guidance, good practice advice, the performance of the Group, and the views of tenants and customers.
- 15.3 The Group will seek to involve tenants in discussions concerning the review of the policy and will ensure that all tenants are consulted on and informed of any changes made to the policy.

**END OF POLICY**