

## 1.0 FRAMEWORK

- 1.1 This document sets out the framework for the prevention and management of anti-social behaviour (ASB): it recognises the importance of the strategic links between anti-social behaviour and sustainment and it contributes to the delivery of GWHA's vision of *Shaping Thriving Communities*.
- 1.2 Reference may also be required to the Estate Services Strategy, Car Parking Policy, Pet Policy, Grounds for Possession Policy and the Policy on Convictions of an Illegal/Immoral Nature.

## 2.0 AIMS

- 2.0 To ensure effective and efficient measures are in place for the management of anti-social behaviour.
- 2.2 To ensure compliance with legislation, guidance and good practice.
- 2.3 To mitigate risk.

## 3.0 DEFINITIONS

- 3.1 The undernoted definitions will apply:

**Anti-social Behaviour**<sup>1</sup> acting in a manner that causes or is likely to cause alarm or distress; or pursuing a course of conduct (conduct includes speech and a course of conduct must involve conduct on at least two occasions) that causes or is likely to cause alarm or distress to at least one person not of the same household as them.

**Hate Crime** bias motivated crime occurring when a perpetrator targets a victim because of his/her perceived membership of a certain social group (racial, religion, sexual orientation, disability, class, ethnicity, nationality, gender, gender identity, social status, or political affiliation)

## 4.0 STRATEGY CONTEXT

- 4.1 GWHA operates in areas of high demand, with good infrastructure and a strong sense of community amongst local residents. The area is noted for its diversity, with ethnic diversity far greater than that of the wider Glasgow area. 45% of residents have been GWHA tenants for more than 10 years, and in 2018/19, 73%<sup>2</sup> of households expressed satisfaction with the management of their neighbourhood.
- 4.2 Anti-social behaviour tends to be very much perception-based, with people having different tolerance levels, different views about the standards of behaviour that are acceptable, and with dissatisfaction sometimes reflective of issues that tend to be citywide concerns and not localised to GWHA's area of operation (i.e. fly-tipping, dog fouling, parking difficulties etc.) The majority of nuisances are capable of being dealt with via informal mechanisms and/or with the support of other agencies.
- 4.3 In recent years, and in particular with the transfer of the non-traditional stock from GHA in 2011, there has been an increasing prevalence of anti-social behaviour fuelled by social issues such as drug and/or alcohol misuse, as well as vulnerability and mental health, and these factors without question require effective joint working for resolution. These complexities add to the challenges of managing large concrete backcourt/ communal spaces that demand environmental improvements to create defensible and usable space for residents, and to deter antisocial behaviour such as littering, drinking, urination. Pressure on LA budgets, and the transfer of responsibilities to housing providers as a result, serve only to exacerbate the challenges for RSLs.

## 5.0 COMPLIANCE ([Appendix 1](#))

### 5.1 Legislation

- 5.1.1 There has been increasing Government emphasis in the last 10 years on providing mechanisms for landlords and other agencies to deal with anti-social behaviour within housing communities. This is reflected in the

<sup>1</sup> Anti-social Behaviour etc (Scotland) Act 2004

<sup>2</sup> 400 tenants surveyed by independent consultant

volume of civil and criminal legislation that is now available, with recent legislation including the Control of Dogs (Scotland) Act 2010 and [The Offences \(Aggravation by Prejudice\) \(Scotland\) Act 2009](#).

More recently, the Housing (Scotland) Act 2014 has introduced greater powers for RSLs to deal with antisocial behaviour. Specifically, from 1<sup>st</sup> May 2019, RSLs have additional powers to convert existing secure tenancies to Short Scottish Secure Tenancies (SSST) in instances where a tenant or person associated with the tenant has, within the preceding three years, acted in an antisocial manner, pursued a course of conduct amounting to harassment or a course of conduct which is otherwise antisocial in the locality.

Furthermore, the courts are required to grant orders of repossession where a RSL raises an action within 12 months of a conviction for an offence committed in the property or the locality. From a legislative perspective, the 2014 Act removes the need for the court to consider whether the repossession is 'reasonable'. However, given the recent nature of this change, it has yet to be demonstrated how this will play out within the legal and political landscape, with some reservations that legal challenges of 'reasonableness' may be re-directed as human rights arguments. It is anticipated that, as yet undetermined, legal precedents will be established within the first year of the Act's implementation.

## 5.2 Equalities

5.2.1 This Strategy is consistent with the terms of GWHA's Equality and Diversity Strategy and ensures effective mechanisms are in place to support the victims of anti-social behaviour, with particular sensitivity to victims of hate crime.

## 6.0 RISK ([Appendix 2](#))

## 7.0 CATEGORIES OF ANTI-SOCIAL BEHAVIOUR

7.1 Anti-social behaviour is defined as follows, with examples at [Appendix 3](#).

Category	Definition	Responsibility	PI <sup>3</sup>
<b>A</b>	Complaints are likely to be very serious, and where the efforts towards resolution are likely to involve other agencies	The TSM will lead the management of Category A cases and will, where appropriate, call upon the support of other agencies (e.g. police, GCC CRU, victims support)	1 day
<b>B</b>	Complaints will tend to be more complex and will indicate anti-social behaviour that is more serious than Category C.	Generally capable of being dealt with by front-line staff with day to day responsibility for the service, supported by the TSM	3 days
<b>C</b>	Complaint will tend to be occasional breaches of the tenancy of a relatively minor nature.	Generally capable of being dealt with under the Estate Services Strategy by front-line staff with day to day responsibility for the service.	5 days

## 8.0 TRENDS

8.1 A significant increase in antisocial behaviour has been evident over the last 10 years, partly due to enhanced recording by experienced staff, but primarily as a result of the increase in stressors and difficulties experienced by residents from economic downturn, welfare reform, reduction in support services provided by both social work services and in the 3<sup>rd</sup> sector. Notably though, following the implementation of 2016's ASB Strategy, the overall upward trend in annual complaints appears to have stabilised. Ongoing early intervention by experienced staff and robust organisational mechanisms, along with the change in Blythswood Court's resident demographic

<sup>3</sup> Performance Indicators, in working days, and relate to "time to initiate/respond"

through the Local Lettings Initiative has facilitated the downward trend in the overall number of annual complaints for 3 consecutive years.

CATEGORY	TOTAL COMPLAINTS								
	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12	10/11
Cat A <sup>4</sup>	11	8	7	13	25	5	6	2	0
Cat B <sup>5</sup>	19	46	63	87	73	28	21	9	21
Cat C <sup>6</sup>	81	63	59	64	35	40	32	31	28
<b>Total complaints</b>	<b>111</b>	<b>117</b>	<b>129</b>	<b>164</b>	<b>133</b>	<b>73</b>	<b>59</b>	<b>42</b>	<b>49</b>

## 9.0 STRATEGY

9.1 GWHA's first adopted Anti-Social Behaviour Policy<sup>7</sup> was reviewed in 2005 to take account of the Anti-social Behaviour (Scotland) Act 2004, with further minor policy amendment in 2008<sup>8</sup> to reflect a revised corporate reporting format and to document the partnership with Community Safety Glasgow (now Glasgow City Council's Community Relation Unit (CRU)). Since 2016, the focus has been on the development of positive relationships with a spectrum of agencies, in the context of tenancy sustainment, and with the aim of facilitating improved multi-agency management through effective, measured and properly targeted services. With increasingly vulnerability, and social challenges within our communities, this will continue to be the theme for the longer-term.

9.2 The management of anti-social behaviour is key within the community sustainment strategy, forming part of the enhanced services perspective of the corporate strategy, and contributing towards the delivery of the vision, mission and values. It focuses on preventative measures, and informal resolution, with multi-agency response and partnership working. The approach is two pronged, with action to tackle the perpetrators of anti-social behaviour running concurrently with effective support for the victims, with outreach work and interpreting services available as required.

9.3 The challenge for delivery of the Strategy will be in changing people's behaviour and this will be based around the four pillars of *Prevention*, *Intervention*, *Enforcement* and importantly, *Rehabilitation*. Each case, and the action taken, will depend on the available information and facts: where necessary, the most robust enforcement measures will be adopted.

9.4 This Strategy is supported by a variety of initiatives that encourage tenancy sustainment and minimise tenancy breaches (e.g. Blythswood Court Letting Initiative, involving local residents, implemented to specifically redress imbalance in household profiles, and fear of crime following the transfer of stock from ALHO in 2011). A Good Neighbour Agreement was adopted in 2016, with support from the Consumer Panel, to promote the sense of community; the Rent Reward Scheme encourages and rewards compliance with the tenancy agreement; and Good Close/Garden Competitions and Garden Grant. New initiatives, such as the Save with Rent Scheme launched at the 2019 ATC, will continue to be routinely explored through the Corporate Plan.

## 10.0 PREVENTATIVE MEASURES

### 10.1 Secured By Design

At the design stage and in the LCC<sup>9</sup>/major repairs programme, consideration will be given to introducing measures that design-out crime and improve sound insulation. These measures may include increased lighting, home

<sup>4</sup> Likely to be very serious where efforts towards resolution are likely to involve other agencies

<sup>5</sup> Likely to be more complex in nature & likely to involve other agencies

<sup>6</sup> Occasional breach of tenancy of relatively minor nature

<sup>7</sup> MC Meeting 1998

<sup>8</sup> MC Meeting 02/09/08

<sup>9</sup> Life Cycle Costing

security initiatives such as upgrading door locks/security chains, designated safe play areas for children, car park facilities management and appropriate recycling/refuse collection options.

## 10.2 Housing Allocations

A “common sense” approach will be adopted in the allocation of empty properties and account will be taken of the age, gender, and family composition of existing households. The previous tenancy conduct of housing applicants will be taken into account. Sensitive allocations will be considered in situations outlined in the HAP<sup>10</sup>.

## 10.3 Social Responsibility

10.3.1 The terms of the Tenancy Agreement will be reinforced at the Tenancy sign-up, at settling-in visits, in the Tenants Handbook, and in meetings arranged for the purposes of investigating a complaint of anti-social behaviour. The Good Neighbour Agreement has been issued to all new tenants since 2016.

10.3.2 For owner occupiers, a clause, similar to that in the Tenancy Agreement, is incorporated to the Written Statement of Services, and, in the case of all new build developments, a real condition will be incorporated to the Deed of Conditions.

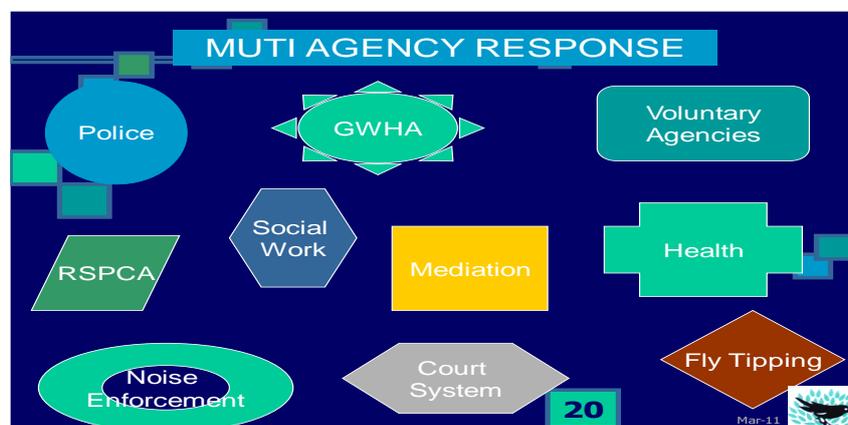
10.3.3 Articles reinforcing the stance on anti-social behaviour will feature in the Newsletter at least once per year.

## 10.4 Concierge Services

10.4.1 The 24-hour concierge service, incorporating CCTV monitoring, and routine security patrols, assists the management of ASB at the Blythwood Court and St Vincent Terrace developments, with concierge staff on site to proactively manage incidents, alerting the police and other agencies as required, and maintaining close links with the Association’s tenancy sustainment team to ensure effective post-incident management.

## 11.0 PARTNERSHIP WORKING

11.1 GWHA will proactively involve and work with other agencies where a partnership approach is necessary to tackle anti-social behaviour that is persistent and serious. Such agencies may include the police, social services, environmental services, health service or other voluntary agencies.



11.2 A partnership agreement with CRU<sup>11</sup>, (established with the support of residents attending the ATC in January 2005) and launched in April 2008, is crucial to the delivery of the Association’s Strategy, facilitating access to specialist advice and enhanced support and monitoring mechanisms where anti-social behaviour is persistent or serious. This is reviewed on an annual basis.

11.3 In the case of tenants who are vulnerable for any reason (e.g. including mental or physical health, age, gender, lifestyle or impairment) the support of specialist services, including CRU, will be sought to assist in addressing

<sup>10</sup> Housing Allocations Policy

<sup>11</sup> Community Relations Unit

and/or supporting successful resolution. Referrals will be made where appropriate to the Glasgow City HSCP<sup>12</sup> in line with the Community Sustainment Strategy and Protocol.

- 11.4 Where formal legal remedies are required to address the anti-social behaviour of owners or private renters, the Association will refer the complaint to CRU and seek the support of other agencies, particularly the Local Authority and the Police.

## 12.0 POLICY STATEMENT

- 12.1 GWhA residents deserve an excellent quality of life, free from anti-social behaviour and crime and the rights of residents to live the way they want will be defended, as long as this does not interfere or spoil the rights or quality of life of others. The Anti-social Behaviour Strategy will help achieve that goal by ensuring that the skills and experience of a wide range of partners are properly focussed and targeted on preventing anti-social behaviour from occurring, providing effective interventions when it does, and supporting witnesses and victims who suffer distress as a result of such behaviour.

## 13.0 POLICY

### 13.1 Anti-Social Behaviour Response

All written and verbal reports and complaints will be recorded in the Anti-social Behaviour Register and will be dealt with promptly and objectively. Anonymous complaints will be accepted as there may be a justifiable reason for the anonymity (e.g. fear of reprisals) however, the Association will be conscious of the fact that the motive for such complaints may also be the harassment of another person via the Association. The extent of any investigations or actions that follow from anonymous complaints will therefore depend on the strength of the information received.

- 13.1.2 Where the anti-social behaviour involves the use of offensive graffiti or damage to the property, this will be photographed as evidence, with maintenance work carried out thereafter, as an emergency (e.g. removal of graffiti, repairs to window, improving security).

- 13.1.3 The Association will make clear its expectations of complainants in terms of reporting incidents of anti-social behaviour to other relevant agencies (e.g. police, environmental services) and in terms of the ongoing monitoring and recording of incidents. The co-operation of complainants will also be expected in mediation, arbitration, or any other mechanism for resolving disputes, including, in appropriate situations, the provision of primary evidence in a court of law.

In the case of Category A complaints, the Association will be sensitive to the vulnerability of victims in terms of reporting incidents (particularly where the victim perceives the attack to be a "hate crime") and will treat the matter no less significantly under these circumstances.

- 13.1.4 Where the perpetrator of the anti-social behaviour is known, the Association will aim to interview the person at the earliest opportunity, and the outcome of the meeting will be followed through in writing, making clear expectations and consequences. Where the perpetrator is unknown, and with the consent of the victim, a general letter, newsletter article or poster may be issued, advising that an incident has taken place, seeking witnesses to the incident and confirming the Association's stance on anti-social behaviour. The victim will not be identified in this correspondence.

### 13.2 Owner Occupiers

- 13.2.1 Where the Association's tenants are victims of anti-social behaviour by owner occupiers or residents of private rented accommodation, the same principles will apply in terms of the options for informally resolving disputes with additional support being provided by CRU who are funded to respond to all complaints of antisocial behaviour from owner occupiers or residents of private rented accommodation. Where formal legal remedies are required to address the anti-social behaviour of owners or private renters CRU will be the lead agency, supported by the Association and the Police, to secure a resolution.

<sup>12</sup> Health and Social Care Partnership

### 13.3 Informal Resolution

Residents will be encouraged to resolve differences informally, without the intervention of the Association, and generally in the following circumstances:

- a) there is no clear perpetrator or victim
- b) corroboration of allegations is difficult
- c) allegations are met with counter-allegations
- d) lifestyle differences are at the root of the problems
- e) the relationship between the neighbours is the key issues
- f) communication and understanding between the neighbours needs to be improved
- g) basic rights are not at stake
- i) the power differential between the parties is not too great

#### 13.3.1 Mediation

Where disputes have arisen due to non-communication and misunderstanding, and residents are amenable to discussion, an offer of mediation will be made. This will be facilitated by CRU (where there is a preference for independent mediation). In the context of a close meeting, GWHA staff may, where appropriate, facilitate discussion between neighbours.

Mediation will not be encouraged for serious anti-social behaviour problems such as “hate crimes”, cases involving violence or threats of violence, or where more drastic action involving the police or courts is required.

#### 13.3.2 Arbitration

Where an amicable and mutually agreeable solution is unlikely to be reached via mediation, the Association may adopt the role of Arbitrator, proposing options for the resolution of the anti-social behaviour.

#### 13.3.3 Acceptable (or Unacceptable) Behaviour Contracts (ABCs)

Where there are adequate support mechanisms in place (possibly involving other agencies including the police, social services), the Association will explore the use of Anti-social Behaviour Contracts for children under the age of 16 or, where appropriate, in cases involving adult offenders (e.g spouse of tenant, adult children of tenant).

### 13.4 Formal Resolution (Legal Remedies)

13.4.1 As legal action is initiated as a last resort, it is unlikely to be considered for anti-social behaviour falling within either category B or C; the exception being where informal remedies have been fully exhausted and the anti-social behaviour persists.

13.4.2 Legal remedies include action for repossession of the tenancy, conversion from secure tenancy to SSST, interdict (or interim interdict) specific implement, Anti-social Behaviour Orders (ASBOs) and lawburrows (i.e. ancient Scottish legal remedy forbidding a person from carrying out a threat of violence).

13.4.3 Following consultation with Tenants, GWHA will first give consideration to the appropriateness of a SSST in cases of ongoing anti-social behaviour. A zero-tolerance approach will be adopted in cases of convicted drug dealing or serious assault within the property or locality. In such instances, GWHA will pursue recovery of the tenancy.

### 13.5 Risk Assessment

Where legal action is deemed to be the most appropriate mechanism for achieving resolution, a full risk assessment will be carried out and will include advice from CRU and from GWHA solicitor in terms of the options available and the likelihood of achieving a successful outcome. The risk assessment will take account of the necessity for gathering evidence via professional witnesses, CCTV or covert cameras.

### 13.6 Witness Support/ Protection

The Association will fully support the victims of anti-social behaviour and will make referrals to agencies offering specialist counselling where available. The victims will be consulted regarding the extent of the action to be taken and, with consent, he/she will be contacted regularly to ensure the behaviour has stopped.

In cases where residents are cited by the Association as witnesses in a court case, reasonable costs will be paid in respect of childcare arrangements and transport to/from court.

Where tenants are living in fear of reprisals, the Association will consider increased security measures including peep holes, additional window/door locks, personal alarms and/or burglar alarms.

### **13.7 Rehousing**

Rehousing will not normally be considered as a solution to anti-social behaviour unless, in serious cases, it is part of a wider victim-support strategy or, in very exceptional circumstances, relations between the parties are obviously irreconcilable. In either case, a management transfer must be justified in accordance with the terms of the Housing Allocations Policy and approval must be obtained from the Services Director.

Contact should be made with the Local Authority (LA) where a tenant fears for their immediate personal safety or that of a family member. In such cases the support of the Police will likely be called upon, and temporary accommodation may be considered by the LA. Support to initiate this process will be provided by GWHM on request.

### **14.0 COMPLAINTS**

14.1 Complaints in relation to the implementation of this Strategy will be dealt with under the Comments and Complaints Policy. A further right of appeal to the Scottish Public Services Ombudsman is available once the Association's internal complaints process has been exhausted.

### **15.0 DELEGATED AUTHORITY**

15.1 Delegated authority is granted by the Management Committee to: the Chief Executive:

- The CE to authorise legal action where an immediate response is necessary
- The SD to:
  - (a) sign the partnership agreement with CRU
  - (b) authorise expenditure within the confines of the policy
  - (c) approve management transfers in the context of this policy and within the remit of the Housing Allocations Policy