|  |  |
| --- | --- |
| **Barrhead Housing Policy on:** | **Anti-Social Behaviour Policy** |

|  |  |
| --- | --- |
| Compliant with Regulatory Standards | **Standard 2**  The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.  **Standard 3**  The RSL manages its resources to ensure its financial well-being, while maintaining rents at a level that tenants can afford to pay.  **Standard 4**  The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation’s purpose.  **Standard 6**  The governing body and senior officers have the skills and knowledge they need to be effective. |
| Compliant with Charter standards | **1: Equalities 2: Communication 6. Neighbourhood Management**  7, 8 & 9: Housing Options 11: Tenancy Sustainment  13: Value for Money 14 & 15: Rents & Service Charges |
| Guidance and Legislation | * The Housing (Scotland) Act 2001 * The Housing (Scotland) Act 2010 * The Housing (Scotland) Act 2014 * Equality Act 2010 * Crime & Disorder Act 1998 * Misuse of Drugs Act 1971 * Anti-Social Behaviour (Scotland) Act 2004 * Human Rights Act 1998 * Regulation of Investigatory Powers (Scotland) Act 2000 * Data Protection Act 1998 * General Data Protection Regulations 2018 * Schedule 7, Housing (Scotland) Act 2001 * Criminal Justice Act (Scotland) Act 2003 * Sex Discrimination Act 1975 |
| Compliant with Tenant Participation Strategy : | Yes – will go out to consultation. |
| Compliant with Equal Opportunities : | Policy will apply across all staff, all customers and Group Board members (BHA and LPS) |
| Staff Consultation | Completed Dec 2020 |
| Equality Impact Assessment | No significant changes that impact on existing Policy |
| Freedom of Information | Policy will be made available via BHG’s Guide to Information |
| GDPR | Policy supports BHG’s approach to GDPR, and the robust management of personal data |
| Compliant with Annual Assurance : | Yes |
| Linked Policies and Strategies | Clarified within the Policy. |

|  |  |
| --- | --- |
| **Date of Approval :**  **Policy Review Date :** | **25th March 2021**  **25th February 2024** |

|  |  |
| --- | --- |
| **Responsible Officer :** | Director of Customer Services |
| **Version History** | Date Last Approved Jan 2013 |

1. **LEGAL AND REGULATORY FRAMEWORK** 
   1. Legal Requirements
   2. Regulatory Framework
   3. Other Relevant Policies
2. **DEFINITION OF ANTI-SOCIAL BEHAVIOUR**
3. **CORONAVIRUS (SCOTLAND) ACT 2020**4.1 Our Commitment & Response Over the Pandemic

4.2 Practical Issues We Will Consider

4.3 What we can do

1. **DOMESTIC VOILENCE AND ANTI-SOCIAL BEHAVIOUR**
2. **PREVENTION MEASURES**

6.1 Building homes and communities.

6.2 Layout of estates

6.3 New Tenants

**7. ALLOCATING HOUSES**

**8. ANTI-SOCIAL BEHAVIOUR CATEGORIES**

8.1 Category A

8.2 Category B

8.3 Category C

8.4 Category D

**9. RESPONDING TO COMPLAINTS OF ANTI-SOCIAL BEHAVIOUR**

**10. LINKS WITH OTHER SERVICES & SUPPORT NETWORKS** 10.1 Partnership Working

10.2 Support Needs

10.3 Community Safety & Community Enforcement Officers

10.4 Victim Support Services

**11. REMEDIES TO ANTI-SOCIAL BEHAVIOUR**

11.1 Interdicts

11.2 Specific Implement

11.3 Eviction/Recovery Proceedings

11.4 Anti-social Behaviour Orders (ASBO’s)

11.5 Interim ASBO’s

11.6 Acceptable Behaviour Contracts (ABC)

11.7 Conversion to a Short Scottish Secure Tenancy for Anti-social Behaviour

**12. EQUALITY AND DIVERSITY**

**13. GENERAL DATA PROTECTION REGULATIONS**

**14. COMPLAINTS**

**15. PERFORMANCE MONITORING & REPORTING**

**16. POLICY REVIEW**

1. **PRINCIPLES, AIMS AND OBJECTIVES**

Barrhead Housing Association believes that it is the right of all people to live in their homes without undue disturbance or disruption from others.

Barrhead Housing Association aims to provide a service which is effective in dealing with anti-social behaviour and neighbour nuisance. This policy provides an outline on the way in which complaints will be dealt with, the current legal and legislative provisions for dealing with anti-social behaviour and neighbour nuisance.

Every dispute will be responded to within defined timescales, which will be dependent on the severity of the dispute. These categories are detailed in Section 8 of this Policy.

Every dispute shall be logged on our QL Housing software, under ANTI-SOCIAL Behaviour complaints. Barrhead Housing Association appreciates the effect that anti-social behaviour can have on individuals and communities and has set the following objectives to endeavour to deliver an effective response:

* Building and maintaining good relationships with Police Scotland, East Renfrewshire Community Safety services and other relevant external agencies;
* Providing information/advice and assistance to residents when dealing with anti-social behaviour;
* Maintaining our properties in such a way that the impact of anti- social behaviour is minimised as much as possible;
* Encouraging mediation and communication between disputing parties and where appropriate will source and participate in that mediation;
* Respond promptly to complaints and deal with them effectively in terms of the obligations of the tenancy agreement and sympathetically within the timescales detailed within this policy; 4
* Participate in the protocol for the sharing of information to tackle anti-social behaviour which has been agreed between Police Scotland and East Renfrewshire Council.
* Developing a detailed procedure to guide staff on use of the range of tools to tackle anti-social behaviour included in this policy and by discussing individual cases on a case to case basis with their line manager. It is acknowledged that some cases may be discussed as and when required pending on the seriousness of cases.
* Be efficient and proactive in fulfilling our legal obligations as a landlord
* Ensure that tenants fulfil their legal obligations in relation to their tenancy agreement
* Focus on prevention and early intervention where appropriate
* Ensure that tenants are kept regularly up to date on the status of their complaint.
* Monitor and reviewing incidents of anti-social behaviour, identifying trends and intervening appropriately

**2. LEGAL AND REGULATORY FRAMEWORK**

This Policy aims to be consistent with all relevant legal and regulatory requirements including those set out below; is designed in compliance with the following;

* 1. **Legal Requirements**
* The Housing (Scotland) Act 2001
* The Housing (Scotland) Act 2010
* The Housing (Scotland) Act 2014
* Equality Act 2010
* Crime & Disorder Act 1998
* Misuse of Drugs Act 1971
* Anti-Social Behaviour (Scotland) Act 2004
* Human Rights Act 1998
* Regulation of Investigatory Powers (Scotland) Act 2000
* Data Protection Act 1998
* General Data Protection Regulations 2018
* Schedule 7, Housing (Scotland) Act 2001
* Criminal Justice Act (Scotland) Act 2003
* Sex Discrimination Act 1975
* Coronavirus (Scotland) Act 2020

**2.2 Regulatory Framework**

We will comply with the Scottish Social Housing Charter requirements most relevant to this policy.

**Outcome 6 – Neighbourhood and Community**

**Estate management, Anti-social behaviour, neighbour nuisance and Tenancy Disputes.**

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

This outcome covers a range of actions that Social Landlords can take on their own and in partnership with others. It covers action to enforce tenancy conditions on estate management and neighbour nuisance, to resolve neighbour disputes and to arrange or provide tenancy support where this is needed. It also covers the role of Landlords in working with others to tackle anti-social behaviour.

**Outcome 11 – Tenancy Sustainment**

**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.**

**2.3 Other Relevant Policies**

The following Barrhead Housing Association Policies should also be referred to in relation to our approach to anti-social behaviour and harassment;

* Estate Management Policy
* Allocations Policy
* Void management Policy
* Complaints Policy
* Equality & Diversity Policy

Barrhead Housing Association is committed, in the adoption and implementation of this policy, to meeting all statutory requirements by achieving all charter outcomes outlined by the Scottish Housing Regulator.

The Association recognises that an effective response to the legislation on anti-social behaviour is in part dependent on building effective partnerships with key players and other partner agencies.

**3. DEFINITION OF ANTI-SOCIAL BEHAVIOUR**

Although anti-social behaviour can be many things to many people, the Anti-Social etc. (Scotland) Act 2004, section 143 defines it as follows:

‘A person engages in anti-social behaviour if he/she:

* **acts** in a manner that causes or is likely to cause alarm or distress or
* 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

In this definition ‘conduct’ would include speech and a ‘course’ would involve at least two occasions.

Section 3, paragraph 3.1 of the Scottish Secure Tenancy states:

‘*You, those living with you, and your visitors, must not harass or act in an anti-social manner to pursue a course of anti-social conduct against, any person in the neighbourhood. Such people include residents, visitors, our employees, agents and contractors and those in your house.’*

We recognise that behaviour which may be upsetting and cause and offence to one individual may not be a problem to someone else. We will consider all allegations of anti-social behaviour based on the merits and context of each case. However, the legal definition of anti-social behaviour forms the basis of our efforts to manage it.

For the purposes of taking action on the grounds that the tenancy conditions have been broken, it will be necessary to establish that the behaviour can be attributed to the tenant, a member of the tenant’s household, a lodger, sub-tenant or a visitor.

**4. CORONAVIRUS (SCOTLAND) ACT 2020**The Scottish Government has introduced regulations that change the length of notice periods landlords must provide tenants when using certain grounds for possession whilst the Coronavirus (Scotland) Act 2020 is in force.

The changes found in the Coronavirus (Scotland) Act 2020 (Eviction from Dwelling-houses) (Notice Periods) Modification Regulations 2020 now apply to all notices served on or after the 3 October 2020 and are focused on the grounds of anti-social behaviour or criminal activity.

**When using any of the grounds for eviction specified below, the notice period has now changed from three months to 28 days.**

The grounds specified in paragraphs:

2. relevant conviction,

7. Anti-social behaviour or harassment and

8. Nuisance, annoyance or harassment

These are the only grounds that have been amended by the regulations and the extended notice periods introduced by the Coronavirus (Scotland) Act 2020 remain in force.

**4.1 Our Commitment & Response During The Pandemic**

Barrhead Housing Association remains committed to supporting our residents and communities during the current pandemic. We understand that as a nation we are all having to adjust to many more people being at home during this difficult time, and that disputes regarding general household living will increase as a result.

This includes:

* increased noise as more people are confined to their homes for longer, and/or with their children, which impacts on tolerances as a result.
* dealing with ongoing anti-social behaviour from people that assume we cannot take any action against them.
* An increase in alcohol and substance misuse and subsequent actions as a result.
* Incidents as a direct result of the impact of the mental health of our residents who are struggling to cope with current restrictions. This relates to both the tenant affected and the perpetrator.

We also recognise that excessive domestic noise, such as banging or dogs barking, carrying out DIY, particularly during unsociable hours, can cause severe disturbance neighbours who may already be distressed by being forced to stay at home.

**4.2 Practical Issues We Will Consider**

Under social distancing government guidelines, covering Tier 3 & 4 (and lockdown) staff will be unable to visit victims or perpetrators at home and will be unable to arrange office interviews.

However, we will continue to provide support to tenants experiencing ASB and to deal with serious complaints, using technology where possible to maintain contact and gather evidence.

Things we will consider when dealing with ASB under current pandemic conditions.

* Be clear about the changes being made to our service and why these are happening
* Be compliant with government requirements for working from home and relevant social distancing
* Ensure that we provide clear messages to our residents that we are committed to tackle anti-social behaviour and for perpetrators that we will not tolerate any breaches.
* Support our tenants to raise concerns with neighbours and agree resolutions.
* Manage expectations about what we can and what we cannot do for any of our tenants that breach covid rules
* Make people understand that with more people confined to their homes, they may be unaware of how their behaviour impacts on neighbours (such as playing loud

music) and being able to discuss this sensitively may be all that is required to change the activity, particularly where there hasn’t been a problem before this.

* Offer support to help people report anti-social behaviour through use of telephone calls, or technology such as Zoom and continue to promote our Tenant App.
* Explore services that are available that help to resolve and address ASB, including mediation services that could be conducted through telephone or video conferencing.
* Provide links and contact details of help available from support groups and agencies

Including both national charities and helplines, such as Victim Support, Citizens Advice, and local groups who provide support for wellbeing, such as mental health, debt and financial advice etc.

* Provide general safety advice on our website and tailor our advice in telephone discussions with vulnerable tenants
* Reassure our tenants that we are dealing with the perpetrator but be clear that this may take longer than usual due to the current situation
* Be clear that the usual methods of contact and evidence gathering will not be available during this time (such as visiting residents, requesting signatures in person, mediation, witnessing ASB first hand). We will consider appropriate alternative mechanisms, such as WhatsApp, Zoom, FaceTime and other online or mobile platforms.
* If there is a serious risk of harm, staff will made a referral to relevant services and where necessary the police should be involved

**4.3 What we can do**

* issue Warnings over the phone, by email or by letter if necessary
* Work closely with local agencies – and – where a fine has been given by Police Scotland to a tenant or any household member we will follow this up as a direct breach of tenancy.
* Keep accurate records of every interaction including when we issue verbal warning
* Enforce the terms of the tenancy agreement whereas if a perpetrator is behaving anti-socially within a shop or community within a certain radius of their home, that we can enforce tenancy agreements as a breach
* Consider legal avenues open to us, such as interdicts; inhibitions; ASB orders or Interim ASB orders
* We can still issue Notice of Proceedings for Recovery of Possession although these cases will take longer, as the Sheriff Courts are currently only hearing these via digital platform means
* We can still apply for Closure Orders which involve Owner Occupiers
* We can still issue Acceptable Behaviour Contracts by taking verbal consent from parties
* We can take witness statements over the phone
* safeguard perpetrators when required and recognise that perpetrators are sometimes victims too

**5. DOMESTIC VOILENCE AND ANTI-SOCIAL BEHAVIOUR**

Any complaints received that are subsequently identified to have occurred as a result of incidents involving domestic violence will not be categorised as anti-social behaviour. Staff will refer to Domestic Violence Policy for dealing with cases of this nature.

**6. PREVENTION MEASURES**

We will use the various resources of the Association in trying to prevent anti-social behaviour occurring. Often the best source of information and prevention is our communities. We will continue to ensure that we liaise with community groups and individual community representatives to build awareness of local issues and problems. We will work with communities and partners to promote or provide diversionary projects for young people.

**6.1 Building homes and communities**.

We will ensure all our new houses are built in accordance with current building standards for sound insulation to reduce the potential sources of friction between neighbours.

**6.2 Layout of estates**

We will consult with the Police to ensure our new build estates are ‘secure by design’. We will also consult with tenants to check whether the estate design has contributed to any anti-social behaviour. We will use this information to inform future designs.

**6.3 New Tenants**   
At pre-allocation interviews we will make prospective tenants aware of their tenancy responsibilities.

At the sign-up we will again highlight to tenants the behaviour expected of them, their families and any visitors as detailed in the tenancy agreement.

**7. ALLOCATING HOUSES**

The Association must, and will, comply with the legal obligations set out in the Housing (Scotland) Act 2001 when allocating properties and the provision of the Housing (Scotland) 2014 Act.

* We may suspend applicants on our own waiting list who have been evicted for anti-social behaviour, or had an Anti-social Behaviour Order granted against them within last three years. We may also suspend those with a notice of proceedings. All such cases will be considered on an individual basis.
* If we house someone who has had an Anti-Social Behaviour Order granted or has been evicted in last three years, we may offer a Short SST.
* We acknowledge the rights of all people in housing need to gain access to Registered Social Landlord housing. However, we also recognise that insensitive or inappropriate allocations can contribute to neighbour disputes. Our Allocations Policy will therefore consider sustainability in the letting process.
* Local Lettings Plan - we will consider developing a local lettings plan in consultation with a local community where this may assist in developing a sustainable community. Such a plan would meet all the Association’s legal obligations.
* The Association will seek to obtain assistance from Support Agencies for tenants who may benefit from support.

**8. ANTI-SOCIAL BEHAVIOUR CATEGORIES**

It is acknowledged that some types of behaviour, whilst still anti-social in nature, will be viewed as being less serious than others. How the Association responds to a complaint will be determined by how the complaint is categorised.

Complaints will usually fall into one of the following categories:

* Exclusively a tenancy issue/nuisance;
* Criminal matter and a tenancy issue;
* Extreme/criminal matter

**8.1 Category A**

Severe anti-social behaviour, where the involvement of the police is a requirement.

* violence towards another tenant
* threatening behavior
* unprovoked assault
* assault on staff/contractors
* drug dealing
* serious vandalism/damage to common areas
* harassment (including racial harassment)

**8.2 Category B**

Anti-social behavior of a serious and persistent nature and are a breach of the tenancy agreement that may also constitute criminal acts.

* + Serious excessive noise nuisance
  + serious and/or frequent disturbances

**8.3 Category C**

These will be nuisance cases and disputes.

* + use of common areas
  + maintenance/use of boundaries
  + initial noise cases
  + vandalism
  + behavior of visitors and children

8.4 **Category D**

These will be breaches of tenancy conditions, such as:

* failing to control pets
* not keeping garden tidy
* parking in unauthorised areas

It should be noted that these examples of anti-social behaviour are not exhaustive and that any doubts over the categorisation of anti-social behaviour will be referred to and agreed at the discretion of Customer Services Manager

The locally agreed targets are:

|  |  |  |
| --- | --- | --- |
| COMPLAINT CATEGORY | TARGET RESPONSE | TARGET RESOLUTION |
| A | 1 working day | 5 working days |
| B | 3 working days | 10 working days |
| C | 5 working days | 15 working days |
| D | 5 working days | 15 working days |

**9. RESPONDING TO COMPLAINTS OF ANTI-SOCIAL BEHAVIOUR**

It is important that complaints of anti-social behaviour are dealt with quickly and efficiently so that tenants have confidence that the Association will take the appropriate action.

The Association will investigate all complaints of anti-social behaviour and will adopt a non-judgemental approach at the initial stages of the investigation. Appropriate attempts will be made to clarify the validity of complaints and action, in terms of breach of the tenancy agreement, taken only when the allegations are corroborated.   
  
  
**10. LINKS WITH OTHER SERVICES & SUPPORT NETWORKS**

Barrhead Housing Association will endeavour to work with other agencies to try and resolve anti-social behaviour in an effort to avoid resorting to legal action by, e.g., involving Police Scotland, East Renfrewshire Council Community and Safety Services, Mediation Services or Environmental Services.

In the event that the anti-social complaint is not only a tenancy matter but also an issue which another agency may have powers to deal with, e.g., Environmental Health, every effort will be made to secure the involvement/support of that agency. For the duration fixed-term post where we have a Tenancy Sustainment Officer – we will endeavour to get them involved to ascertain vulnerabilities and an inter-agency approach where necessary.

The complainant will be kept informed of the Association’s actions regarding other agencies involvement.

If the matter is not dealt with effectively by the external agency then further action will be considered under breach of the tenancy agreement.

Barrhead Housing Association will work with other agencies, including the Police to help with the gathering of evidence that is required in the event of legal action. Attempts should be made to clarify to complainants the role of the Association and that criminal matters should always be reported to the police.

The Association will endeavour to help/support victims of anti-social behaviour and where appropriate, the support and advice of community groups and other agencies will be sought.

**10.1 Partnership Working**

Barrhead Housing Association recognises the clear commitment required from all parties to resolve cases of anti-social behaviour. Where appropriate, the Association will explore the option of developing formal agreements with relevant agencies, e.g., Social Work Department, Police Scotland and East Renfrewshire Council in an effort to build good working relationships which allows for multi-agency working.   
  
This is important in terms of informing the tenants and the public to whom their complaints should be directed and thus creating an informed environment and potentially saving staff time in investigation procedures.

**10.2 Support Needs**

Customer Services Officers will endeavour to ensure that any tenant with whom they come into contact whilst investigating a neighbour complaint, who has an identified need for support, is made aware of and, with their permission, referred to the appropriate agency who may be able to address their support need. Support needs could range from drug/alcohol related problems to family support and welfare issues. A referral process will be carried out to refer to our Tenancy Sustainment Officer, whilst in post, which will include Vulnerability Risk Assessments.

**10.3 Community Safety & Community Enforcement Officers**

This resource should be used in specific circumstances to help them substantiate and corroborate complaints being reported to them by tenants. There are potentially a number of situations in which they may be able to assist officers in investigating complaints, e.g., monitoring noise levels from a particular property.

**10.4 Victim Support Services**

People who suffer anti-social behaviour can feel vulnerable from the time they report an incident therefore an independent agency for support is important. In the appropriate circumstances, officers should advise victims of anti-social behaviour of “Victim Support” and the Association’s website will provide links to these services.

**11. REMEDIES TO ANTI-SOCIAL BEHAVIOUR**

The Association favours the resolution of anti-social behaviour problems as quickly as possible, however it recognises that with most, if not all categories of complaints, police involvement and legal remedies may be necessary. Other categories of disputes will initially be dealt with using other remedies rather than legal ones. These remedies can either be formal or informal and the Customer services officers will explore these before consideration is given to legal proceedings and agree a course of action with the Customer Services Manager for all Category 1 & 2 complaints.

Dependant on the level and nature of the anti-social behaviour, consideration will be given to the use of the following remedies although this list is not exhaustive: Some of these options can attract very expensive legal fees and will not be sanctioned until all other resolution methods have been considered.

**11.1 Interdicts**   
An interdict is a court order which can prevent the perpetrator from carrying out certain actions, behaving in certain ways and/or frequenting a certain area, although it is important to note that an interdict is not redress for behaviour already done. The behaviour could include a breach of tenancy conditions, violence or a pattern of ongoing nuisance. An application can be made by either the Association or the resident and where the behaviour does not improve then action can be taken for Breach of Interdict.

Where an interdict is granted and the behaviour has not improved, then action can be taken for Breach of Interdict. For a “breach of interdict”

Playing of loud music, swearing/shouting, noise, dog fouling, harassment of neighbours, verbal abuse/threats to staff, wilful fire damage, flooding of neighbours, and damage to property.

The main advantages of using Interim/Interdict are:

* Interim interdicts do not require witnesses to attend court
* Speed of action sends a message to both parties that steps are being taken
* Immediate protection
* Prevents behaviour of offender without need to evict

**11.2 Specific Implement**

This is an order of the court, which requires a person to perform his/her legal obligations under a contract. This can be used by social landlords to require a tenant to take positive action. Examples of where specific implement could be used are maintenance of own garden areas, failure to fulfil responsibilities to clean communal areas, dumping rubbish.

**11.3 Eviction/Recovery Proceedings**

If a tenant, member of their household or visitor is found to be in breach of their tenancy agreement and there is a pattern of anti-social behaviour, then a Notice of Proceedings may be served to inform the tenant and any qualifying occupiers that the Association intends to instruct court proceedings to repossess the tenancy. The Association can then instruct its solicitor to proceed to the Sheriff Court to request an eviction decree for the tenant.

**11.4 Anti-social Behaviour Orders (ASBO’s) –** These were introduced by the Crime & Disorder Act 1998 and it is important to note that they are not a substitute for criminal proceedings.

The ASBO is made by the civil court on application by the Association to restrain individuals from carrying out acts or pursuing a course of conduct, which adversely affects members of the community. It is intended to address behaviour that could escalate and patterns of behaviour that cause alarm/distress.

An ABSO can be made against persons of all housing tenures types including owners, private sector tenants and Housing Association tenants and can apply to tenants, their children, and members of their household or visitors to their household.   
  
The breach of an ASBO is a criminal offence and is punishable by a fine or custodial sentence as determined by the Sheriff. The breach of an ASBO can also be used as evidence for obtaining an eviction decree for anti-social behaviour.

The Action can be raised against any adult or children aged 12 and over and the Sheriff determines its duration only. Examples of behaviour this can cover are individual’s intimidation of neighbours through threats and/or violence and persistent unruly behaviour by groups of individuals who dominate and use minor damage as a means of intimidation.

**11.5 Interim ASBO’s**

These have been introduced by Section 44 of the amended Crime and Disorder Act, can provide more immediate protection and can be applied for pending the application of a full ASBO. The Sheriff will consider and Interim ASBO only if satisfied that proof of anti-social behaviour will be provided at the full hearing.

The Sheriff also needs to be satisfied that it necessary to protect the affected community from further acts.

**11.6 Acceptable Behaviour Contracts (ABC)**

These can be used prior to considering applying for an ASBO. The agreement is a written agreement between the perpetrator, the landlord and the Police. Its aim is to make the person responsible for their actions and will detail the responsibilities of the person based on identified anti-social behaviour. These contracts are not legally enforceable and the perpetrator cannot be forced to enter into the agreement however are widely recommended for use and can be useful to prove to the Sheriff that the landlord has tried reasonable alternative approaches to an ASBO. They are flexible in nature and by signing; the person is agreeing to take responsibility for their behaviour.

An Unacceptable Behaviour Notice can be used where an individual refuses to sign an ABC and its aim is to make the person aware of their actions and the consequences of continuing with their behaviour. Again these have no legal standing but will detail the responsibilities of the person on identified activities. They can be used as a body of evidence to support an application for an ASBO and/or eviction action.

**11.7 Conversion to a Short Scottish Secure Tenancy for Anti-social Behaviour**

In certain circumstances, we can change a tenancy agreement to a different type of tenancy agreement called a Short Scottish Secure Tenancy (SSST) agreement, which gives fewer rights and less protection from Eviction action than a Scottish secure Tenancy (SST). A SSST is aimed at encouraging tenants, or members of their household who repeatedly engage in anti-social behaviour, to stop the behaviour and sustain their tenancy, by taking away their tenancy rights without the need for court action.

The Housing (Scotland) Act 2014 introduced changes to the use of the short Scottish Secure Tenancy (SST), particularly in relation to anti-social behaviour.

Landlords now have the right to give a short SST to a prospective tenant in cases where the prospective tenant, visitors to their current accommodation, or anyone who is likely to live with them in their new property, has within the last 3 years behaved anti-socially towards another person living in, visiting or carrying out lawful activity in the locality of a house occupied by the prospective tenant, or by a person who it is proposed will live with the prospective tenant.

The Housing (Scotland) Act 2014 sets a new term of 12 months for a short SST given on any of the anti-social behaviour grounds and gives flexibility to extend for a further 6 months where support is in place and improved behaviour is evident.

The Act also allows landlords the following:

* Without going to court, to give a short SST to a new tenant where that tenant, or other specified person, has demonstrated anti-social behaviour within the previous 3 years.
* Without going to court, to convert a SST to a short SST, where an existing tenant or other specified person has demonstrated anti-social behaviour within the previous 3 years.
* Automatic conversion to a SST at the end of the 12 month term for a short SST given on any of the anti-social behaviour grounds, unless the landlord has taken action to extend the tenancy for a further 6 months, or has taken action to repossess the tenancy.

Tenants have a right to appeal to the courts if they are not satisfied with the type of tenancy offered by the landlord or with the conversion of their existing SST to a short SST.

**12. EQUALITY AND DIVERSITY**

Barrhead Housing Association is committed to providing fair and equal treatment to all our customers and to comply with the Equality Act 2010. The Act established 9 protected characteristics (the grounds on which discrimination is unlawful).  These cover age, race, sex, religion/belief, sexual orientation, pregnancy/maternity, gender reassignment, disability and marriage/civil partnership.

We will offer customers a range of options for communicating with us to support people where, for example – people with poor literacy skills, visual impairment, or where their first language is not English.

**13. GENERAL DATA PROTECTION REGULATIONS**

The Association will treat all personal data in line with our obligations under the current General Data Protection Regulations and our own Data Protection Policy Statement, Privacy Policy and Data Retention Policy.  
  
Information regarding how your data will be used and the basis for processing your data is provided within the Association’s Fair Processing Notices.

**14. COMPLAINTS**

Any tenant who feels aggrieved by the service they have received from staff in carrying out their responsibilities in relation to this policy can make an informal or formal complaint to the Association.

**15. PERFORMANCE MONITORING & REPORTING**

In order to judge the success of this policy, Barrhead HA operates a system that monitors and measures performance. The following points details how this is achieved:

* Performance targets and timescales will be set for staff in progressing ANTI-SOCIAL cases through the key stages, which include contacting complainer, Contacting witnesses, Contacting alleged offender, liaising with other agencies and resolution.
* Reports will be produced to assist in measuring performance against targets and will allow comparison of results on a month to month and year on year basis indicating trends and highlighting where performance requires to be investigated and addressed. These reports will also be provided on a quarterly basis to the Associations Audit Sub-Committee. These reports will include:   
  + Average number of days to deal with the complaints
  + Number of warnings issued
  + Number of Notice of Proceedings issued for anti-social behaviour
  + Number of ASBO’s applied for
  + Number of evictions for anti-social behavior
  + Number of cases motivated by hate crimes
  + Number of complaints of Anti-Social Behaviour received, by category of complaint
* The Association’s performance will also be monitored against information from other organisations through possible benchmarking arrangements and comparisons of performance statistics reported by the Scottish Housing Regulator.

**16. POLICY REVIEW**

This Policy will be reviewed at least every three years. In addition, it may also be reviewed in light of:

* New or revised legislation
* Changes in good practice
* Views of tenants and other service users
* Auditing practices