



ANTISOCIAL BEHAVIOUR POLICY 2024

1.0 PURPOSE

- 1.1 The purpose of this policy is to ensure the Association effectively responds to antisocial behaviour complaints and that victims/witnesses receive appropriate support.
- 1.2 The procedures detailed within this section are intended to facilitate the effective management of antisocial behaviour, ensuring that all reasonable steps are taken to comply with the Anti-social Behaviour etc. (Scotland) Act 2004, Housing (Scotland) Act 2014 and all other relevant pieces of legislation.

2.0 POLICY AIMS

- 2.1 Ochil View Housing Association believes that antisocial behaviour is unacceptable.
- 2.2 The aim of this policy is to ensure the Association effectively responds to antisocial behaviour complaints and that victims/witnesses receive appropriate support.
- 2.3 The procedures detailed within this section are intended to facilitate the effective management of antisocial behaviour, ensuring that all reasonable steps are taken to comply with the Anti-social Behaviour etc. (Scotland) Act 2004, Housing (Scotland) Act 2014 and all other relevant pieces of legislation.
- 2.4 We aim to prevent antisocial behaviour from taking place and reduce its effect on people and neighbourhoods when it does occur.
- 2.5 Antisocial behaviour can seriously affect the quality of life of our tenants and residents. We believe that our tenants and residents should consider their homes and neighbourhoods to be safe and attractive places to live.
- 2.6 The purpose of this Policy is to outline the measures Ochil View Housing Association will take to reduce the incidence and severity of antisocial behaviour. Overall, we aim to achieve a reduction in the incidence of antisocial behaviour and react effectively where it does occur to reduce its severity. We will take a preventative and pro-active approach to antisocial behaviour that can tackle problems quickly, sensitively and effectively.
- 2.7 We aim to increase the percentage of tenants who are satisfied with the management of their neighbourhood as a place to live. Periodic tenant surveys will assess whether we have achieved this. Our measures to tackle antisocial behaviour will be one factor influencing tenant's views of their neighbourhood and how it is managed.
- 2.8 The Antisocial Behaviour Policy complies with the following regulatory requirement contained in the Scottish Social Housing Charter:

Outcome 6: Estate Management, Antisocial Behaviour, Neighbour Nuisance and Tenancy Disputes.

Social landlords, working in partnership with other agencies, help to ensure as far as possible that tenants and other customers live in well maintained neighbourhoods where they feel safe.

3.0 REFERENCES

- ✓ The Scottish Secure Tenancy (SST)
- ✓ Anti-social Behaviour etc. (Scotland) Act 2004
- ✓ Crime and Disorder Act 1998
- ✓ Anti-Social Behaviour, Crime and Policing Act 2014
- ✓ Data Protection Act 1988 and UK General Data Protection Regulation (GDPR)
- ✓ The Equality Act 2010
- ✓ Housing (Scotland) Act 2001
- ✓ Housing (Scotland) Act 2014
- ✓ Human Rights Act 1998
- ✓ Protection from Harassment Act 1997
- ✓ The Environmental Protection Act 1990
- ✓ The Noise Act 1996
- ✓ The Environmental Noise (Scotland) Act 2006
- ✓ The Scottish Social Housing Charter

4.0 OBJECTIVES

The Policy will deal with antisocial behaviour by:

- Reducing the opportunity for antisocial behaviour to arise by careful design, by achieving "Secured by Design" accreditation in new build developments and implementing Secured by Design principles in planned maintenance programmes.
- Providing good quality information about our antisocial behaviour service to encourage good tenancy relations and inform the expectations of people who report antisocial behaviour.
- Responding within target times to reports in an effective, sensitive and consistent manner, undertaking thorough investigations, keeping accurate records and informing complainants of progress and decisions that have been made.
- Encouraging communication between those experiencing antisocial behaviour and those responsible for antisocial behaviour through mediation to tackle problems early and to reduce the risk of escalation.
- Ensuring that our management of antisocial behaviour complies with the law and good practice.
- Supporting complainants.

- Facilitating a multi-agency approach with Clackmannanshire and Fife Councils, Police Scotland and other agencies to maximise the resources available to address antisocial behaviour and tackle the causes and consequences of antisocial behaviour.
- Developing procedures that guide staff through the process of investigating, recording and resolving antisocial behaviour.
- Monitoring and reviewing the effect and outcomes of our actions.

5.0 DEFINITION

5.1 Antisocial behaviour can involve incidents from minor nuisance, noise and neighbour disputes through to serious violence, crime and intimidation. Antisocial behaviour may be closely related to breaches of conditions of tenancy addressed in our Estate Management Policy.

Section 143 of the Anti-social Behaviour (Scotland) Act 2004 defines antisocial behaviour as: -

“acting in a manner which causes or is likely to cause alarm or distress or pursuing a course of conduct which causes or is likely to cause alarm or distress to a least one person who is not of the same household”, where “Conduct” includes speech and “course of conduct” includes at least 2 occasions.

5.2 The Anti-social Behaviour Etc. (Scotland) Act 2004 provides the legal definition of antisocial behaviour as: -

“a person engages in antisocial behaviour if the person- (a) acts in a manner that causes or is likely to cause alarm, distress, nuisance or annoyance; or 2 (b) pursues a course of conduct that causes or is likely to cause alarm, distress, nuisance or annoyance, to a person residing in, visiting or otherwise engaging in lawful activity at, or in the locality of, a relevant house.”

6.0 PREVENTING ANTISOCIAL BEHAVIOUR

6.1 In housing design and maintenance

We will reduce the likelihood of antisocial behaviour by building and maintaining our properties to standards that minimise the opportunity for lifestyles to conflict. The Association’s design standards are set out in our design guide however, the most relevant features are:

- “Secured by Design” standards for all new build developments.
- Consideration during the design process to identify opportunities for the possible conflict of lifestyles and taking action to remove these, where possible.
- Planned maintenance to observe “Secured by Design” principles, for example in the selection of doors, windows, fencing etc. when these building elements are replaced or renewed.
- Comments from tenants and residents made in Post Completion surveys are considered for lessons to improve future design and layout.

6.2 In Housing Allocation

Antisocial behaviour is more likely to occur when prospective tenants have been responsible for antisocial behaviour in the past. Our arrangements for dealing with housing applicants who have, or whose household members have, a record of previous or current antisocial behaviour, including eviction and antisocial behaviour orders are set out in our Allocation's Policy. The main features are:

- We will suspend the Housing registrations of persons with a documented history of antisocial behaviour from receiving an offer of tenancy until they show that antisocial behaviour is unlikely to recur and that there are valid reasons that support a view that their behaviour and conduct have changed.
- Applicants, selected through our Allocation's Policy to receive an offer of accommodation and who have a documented history of antisocial behaviour within the last 3 years will receive an offer of housing on Short Scottish Secure Tenancy Terms.

6.3 Conditions of Tenancy

We will ensure that tenants understand their conditions of tenancy and understand the action the Association will take if they do behave antisocially. The Association uses a Scottish Secure Tenancy and Short Scottish Secure Tenancy Agreement that contains appropriate clauses to define antisocial behaviour and advise tenants of the consequences of breaching these conditions. These are set out in detail in our Scottish Secure Tenancy and Short Scottish Secure Tenancy, but the main points are that tenants must not:

- make excessive noise
- fail to control pets properly
- allow visitors to be noisy or disruptive
- use the house for illegal or immoral purposes
- carry out acts of vandalism
- leave rubbish in unauthorised places
- allow members of their household (or household members for which they are responsible) to cause nuisance or annoyance
- harass or assault any person in the house, or neighbourhood
- Use or carry offensive weapons
- Use or sell unlawful drugs or sell alcohol
- bring into the house or store in the house any type of firearm or firearm ammunition unless they have a permit and have first obtained our permission

6.4 Pre-Tenancy Information

When an applicant becomes a tenant of Ochil View Housing Association, we will go over the tenancy conditions at the sign-up interview. These conditions are also within our Tenants Handbook which, contains information on how we will respond to antisocial Behaviour. We will also carry out a new tenant visit usually within 6 weeks after the tenancy start date where these conditions may be reinforced.

6.5 In the condition of our developments and estates

We will regularly inspect and record the condition of estates (as set out in the Estate Management Policy), to identify vandalism, graffiti, damage, fly tipping etc. and address these quickly through taking action to repair or remove them, thereby supporting persons who experience antisocial behaviour and demonstrating that antisocial behaviour is not

tolerated. During such inspections we will look for any possibility of activity related to the supply and cultivation of drugs, terrorism related activity or to human trafficking. These serious crimes will be immediately reported to the responsible authorities.

7.0 HANDLING ANTISOCIAL BEHAVIOUR REPORTS

7.1 Responsibility

The Associations Housing Officers and Assistant Housing Officers are responsible for investigating and managing antisocial behaviour. They will adopt a person-centred approach to responding to and investigating any antisocial behaviour reports which, considers the individual circumstances of the victims, witnesses and the perpetrator of antisocial behaviour.

7.2 Reporting Antisocial Behaviour

It is important that antisocial behaviour is reported as soon as it arises as early reporting is vital in order to be able deal with unacceptable behaviour at the earliest opportunity to prevent it from escalating.

The first stage following a report is to establish whether the matter is appropriate to be investigated by the Association. This will usually be the case where the alleged persons responsible are the tenants of the Association or residents within an Ochil View property. If the antisocial reports are made against an owner occupier and they are negatively impacting Ochil View tenants, we will only proceed to deal with the antisocial behaviour if it is deemed to be severe and subject to legal action. If the antisocial behaviour is affecting the community in general or is taking place in public places like shopping centres, parks, etc. the lead agency may be the local authority or the Police.

If the report is not the responsibility of Ochil View to take action or investigate, the person making the report will be informed and given advice as to the appropriate agency to which the report should be directed.

7.3 Receiving Reports

A report of antisocial behaviour will be assessed once received and each report will be dealt with on an individual basis. It may be that the report does not require investigation in the first instance if it is assessed and does not constitute antisocial behaviour, the case will not be opened however, appropriate advice and information may be provided to the complainant.

Reports that are not classified as antisocial behaviour include, but not limited to:

- Children or young people gathering socially or playing in the street
- Odours
- Parking issues
- Personal disputes between neighbours
- Regular domestic noise
- Reports of Domestic Abuse (these will be investigated within our Residents Domestic Abuse Policy)

Antisocial behaviour relating to criminal activity, including suspected drug dealing and cannabis use will not be dealt with by the Association and should be reported to Police Scotland in the first instance. The Association will only take appropriate action in relation to criminal matters where the tenant has been charged or convicted of tenancy-related

criminal behaviour. Advice and information will be provided on the appropriate agency that the complainant should contact.

The Association may also provide information through Police Scotland's Intelligence Portal, which, staff have access to. This system enables Ochil View to share intelligence with Police Scotland confidentially that they can use as a tool to manage information and intelligence relating to crime.

7.4 Scottish Housing Charter Indicator

The Scottish Housing Charter Indicator asks for the percentage of antisocial behaviour cases reported in the last year which were resolved. The definition of resolved is: -

- Where the landlord has taken appropriate measures, as set out in its ASB policies and procedures, to address the cause of the antisocial behaviour complaint and has advised the complainant of the outcome; or
- Where the landlord does not have the authority or powers to resolve, and it has provided a full explanation of the landlord's position to the complainant.

It is important to mention that in terms of reporting the Association's performance the definition 'resolved' is when the complaint is dealt with, and the outcome has been advised to the complainant. The Association, however, recognises that the issue itself, may not be resolved and may require monitoring moving forward.

7.5 Our response targets

We recognise that antisocial behaviour can have a serious effect on complainants and therefore aim to respond as quickly as resources allow. We acknowledge that complaints not addressed promptly may lead to escalation. We therefore set out the following timetable for response.

Type 1 – Extreme	Type 2 – Urgent & Persistent Behaviour	Type 3 – Nuisance & Other Breaches of Tenancy
Physical Violence	Noise (e.g. loud music, parties)	Noise (e.g. Domestic appliances)
Drug Dealing (e.g. noisy disruptive visitors, threats, criminal conviction)	Frequent Disturbances	Animal Related Issues
Racial and/or Hate Crime	Threatening Behaviour	Fly Tipping/Rubbish Issues
Threats of Violence	Vandalism to the Property	Communal Living Issues (e.g. stair cleaning or car parking)
Significant Escalation of Issues	Drug Related (comings and goings or conviction for cultivation)	Lifestyle Issues
		General Neighbour Disputes
Target For Resolution	Target For Resolution	Target For Resolution
10 Working Days	15 Working Days	20 Working Days

These classifications address the most commonly occurring sorts of antisocial behaviour within our stock. Other types, if arising, should be referred to management for advice and guidance.

- 7.6 Initial reports are the first opportunity to collect and provide information and are the basis of future investigation and action. Therefore, it is important that as much information as possible can be gathered with regards to the issues at the outset.
- 7.7 The Association recognises that certain types of antisocial behaviour may be aggravated by reference to race, religion or faith, disability, sexual orientation, or transgender identity. Such incidents may be classified as a "Hate Crime". Incidents requiring an immediate response should be reported to the Police. They may also be reported using the Police Scotland online Hate Crime Report Form.
- 7.8 The Association is a member of Happy to Translate. We will provide translation, interpreting and communication support, when necessary, free of charge to the service user.
- 7.9 Arrangements for removing graffiti, repairing vandalism and criminal damage will be addressed with all possible urgency, mindful of the need to preserve evidence of a crime and provide information to our insurers, who may wish to inspect damage before it is repaired to validate the claim.
- 7.10 We recognise the needs of persons who report antisocial behaviour to receive accurate and helpful information. We will publish a leaflet that will be given to complainants setting out the following: -
- The Association's response to antisocial behaviour generally
 - What they can do to assist in dealing with the problem
 - How we will keep them informed during our investigations
 - Other agencies that may be able to assist them
 - What they can do if they are dissatisfied with our response.

This leaflet should be provided to the complainant at the earliest opportunity. The complainant should be asked, if appropriate to record further incidents using the Incident Reporting Diary.

- 7.11 The Association's Unacceptable Actions & Expected Behaviour Policy should be considered if staff experience unacceptable actions, unreasonable behaviour, unreasonable demands or unreasonable persistence from persons who report antisocial behaviour. Staff should take appropriate action as set out in the Unacceptable Actions & Expected Behaviour Policy if this does occur.

8.0 DIARY AND RECORD KEEPING

Full documentation of actions taken, and evidence gathered in relation to all antisocial behaviour is essential, and documents should be kept and attached to the tenant's Diary and recorded in Complaints Register.

9.0 INFORMATION SHARING AND CONFIDENTIALITY

- 9.1 The Association respects the privacy and confidentiality of each case and is aware of the legal obligations under the Data Protection Act 1988 and General Data Protection Regulations (GDPR), however, in some cases the Association may be required to exchange information with external agencies. The Association will only share information with other agencies where it is lawful to do so in order to prevent and protect its

communities from antisocial behaviour. The type of information which may be shared includes, but is not limited to:

- The nature and location of incidents of antisocial behaviour.
- Personal information as to complainants and witnesses.
- Details of relevant visits to the property by agencies including the police.
- Convictions, cautions, reprimands, bail conditions, progress of criminal cases.

- 9.2** The sharing of information is vital to tackling antisocial behaviour and developing effective joint working with local agencies. Ochil View has an Information Sharing Protocol with the Forth Valley and Fife Area Commands of Police Scotland. This outlines procedures and protocols for sharing information to prevent and tackle antisocial behaviour.
- 9.3** The disclosure of information between all agencies involved in tackling antisocial behaviour in Clackmannanshire is covered by a Disclosure Protocol within the antisocial behaviour strategy. This includes information for public space Closed Circuit Television monitoring which may be useful in identifying those responsible for antisocial behaviour.
- 9.4** Ochil View will treat all information provided by a person reporting antisocial behaviour as confidential and will only be passed to external agencies where disclosure protocols exist. This may include where we consider a vulnerable person is “at risk” in any situation.
- 9.5** The Adult Support and Protection (Scotland) Act 2007 sets out the legal framework for the protection of adults who are unable to safeguard their own well-being and are at risk of harm because they are affected by a disability, mental disorder, illness, physical or mental infirmity and are therefore more vulnerable to being harmed than others who are not so affected. If staff have any causes for concern regarding an individual or a child in a property, then they will refer to the Association’s Protection of Vulnerable Persons Policy.

10.0 SUPPORT FOR PEOPLE WHO REPORT ANTISOCIAL BEHAVIOUR AND WITNESSES

Ochil View is committed to supporting individuals who are affected by antisocial behaviour. This is crucial to the success of the service. If we are to effectively tackle antisocial behaviour, we must encourage people to report incidents and come forward to act as witnesses. We understand that people who report antisocial behaviour may feel unsafe in their homes and communities, and that they may feel threatened by the possibility of reprisal.

We support people who report antisocial behaviour and witnesses by:

- Dealing with reports promptly and effectively
- Liaising with external agencies who may be able to assist
- Reminding people who report antisocial behaviour that it should also be reported to the Police if it is criminal behaviour
- Keeping the person reporting the behaviour informed of progress throughout any investigation and follow-up action

- Advising the person reporting the behaviour of the action we plan to take after we have carried out our initial interview and we will advise the person reporting the behaviour when we will contact them again at each stage of our investigation
- Telling the person reporting the behaviour if our investigations are “closed”, for example because we have taken appropriate action or because we cannot find a basis on which to proceed further
- Reminding, at the end of our investigations, the person reporting the antisocial behaviour of their right to use the Association’s Complaints Procedure if they feel we have not acted in accordance with our procedures during the investigation
- Prevailing upon external agencies to act as rapidly as possible. There may be an interim period while we are waiting for others to act. We will keep complainants up to date on the progress at regular intervals until the issue has been dealt with.
- If we do not receive further complaints within a 6 week period after the initial complaint is closed, we will carry out a follow up call with the complainer to ensure matters have been resolved
- Advising and referring to support services such as Victim Support
- Responding to criminal damage or graffiti with all possible urgency
- Providing, where appropriate, additional or enhanced security measures such as fire boxes or additional door locks. All additional security measures will be instructed, where appropriate, through existing reactive repair arrangements Full details for ensuring security in tenant’s homes and in common areas are set out in our Home Security (LSM) Policy 2020
- Considering a transfer request, when there is risk of violence or relationships are beyond reconciliation and where the victim wishes to do so. The arrangements for this are set out within the Allocation Policy as an exceptional allocation. All exceptional allocations will be approved by the Director of Housing Services or the Chief Executive and thereafter homologated by Customer Services Committee. If their circumstances are such that they are homeless then this must be confirmed by the local authority.

11.0 MEASURES AVAILABLE TO THE ASSOCIATION FOR TACKLING ANTI SOCIAL BEHAVIOUR

Since the Anti-social Behaviour (Scotland) Act 2004 came into effect, the range of legal and non-legal remedies is more complex than before.

NON-LEGAL REMEDIES

11.1 Advice and information

The provision of advice may be effective in resolving certain complaints. Occasionally, the perpetrator may not be aware their behaviour is causing nuisance or annoyance. Often, less serious breach of tenancy conditions is likely to involve the Housing Services Officer visiting both parties and, if satisfied that a breach has occurred, giving advice or a warning as to the consequences of a recurrence

In the context of advice, it may be that another agency such as a Local Authority is the appropriate service provider to address a particular problem of antisocial behaviour. It is important that residents can access this information to allow problems to be dealt with early and effectively. Staff will make residents aware of all options available and promoting relevant services through newsletters, sign-ups, new tenant visits and the Ochil View Antisocial Behaviour leaflet.

11.2 Interviews and Letters

A warning letter is a useful tool in tackling antisocial behaviour. This will generally follow a formal interview recorded in writing. The letter will outline what needs to be done and what the potential consequences will be if the antisocial actions do not cease.

11.3 Mediation

Ochil View Housing Association believes mediation is an effective intervention method that can prevent neighbour disputes from escalating. Mediation can help people who are in dispute to reconcile their differences themselves rather than having a solution imposed on them from outside. However, mediation is only appropriate when both sides voluntarily chose it. Moreover, mediation is inappropriate in cases that involve violence, harassment or intimidation. The Association can access resources through its local authority partners. Mediation will be used where the antisocial behaviour is of a less serious nature and when it is anticipated the neighbours can reach a solution themselves, and if appropriate to allow this, rather than having a solution imposed.

11.4 Acceptable Behaviour Contracts

An acceptable behaviour contract is a written agreement between the perpetrator, the Association (and the Police, if the behaviour is or could be criminal in nature). If the perpetrator is aged between 12 and 16 years of age the consent of the parents will be required.

The agreement requires that the perpetrator must not continue with certain acts which could be considered antisocial behaviour. The contract will set out what is and what is not acceptable behaviour. Generally, the agreement will normally last 6 months and will be reviewed periodically. The acceptable behaviour contract has no legal status. However, if the terms of the contract have been breached, it is a valuable source of evidence in the pursuit of legal remedies.

An unacceptable behaviour notice can be used where an individual refused to sign an acceptable behaviour contract. The aim is to make the person aware of their actions and the consequences of continuing with their behaviour. Again, this does not have any legal standing, although it can be used as evidence to support the application of legal remedies such as antisocial behaviour orders or eviction action.

11.5 Management Transfer

In appropriate circumstances the Association will consider transferring a tenant in order to resolve a problem with neighbours. This move will take place through exceptional allocation arrangements established in the Allocations Policy where the complainant has suffered harassment, or relationships have broken down beyond reconciliation. All exceptional allocations will be approved by the Director of Housing Services or the Chief Executive and thereafter homologated by Customer Services Committee. If their circumstances are such that they are homeless then this must be confirmed by the local authority.

LEGAL REMEDIES

11.6 Where the Association intends to take legal action, we will consult with the Association's appointed Solicitor. The Solicitor can provide advice and assistance on the preparation of cases for repossession or if an Antisocial Behaviour Order is sought, and they should be consulted at an early opportunity where a case may lead to such action. Legal action will be taken where non-legal measures have been exhausted or where the antisocial

behaviour is so severe as to merit immediate legal action. In cases where legal action is proposed, the Housing Services Officer should prepare a report for consideration by the Director of Housing Services.

Legal action can include the following:

11.7 Antisocial Behaviour Orders (ASBO)

An Antisocial Behaviour Order (ASBO) is a *“Civil orders to protect the public from behaviour that causes or is likely to cause harassment, alarm or distress. An order contains conditions prohibiting an individual from carrying out specific antisocial acts or (for example) from entering defined areas.”*

An ASBO will only be applied for after full consultation with the Police and the local authority. The Criminal Justice (Scotland) Act 2003 gave Registered Social Landlords, as well as a Local Authority, in conjunction with the Police; the power to apply to the courts for an Antisocial Behaviour Order (ASBO) for individuals aged over 16. The Antisocial Behaviour Act 2004 replaces this legislation and extends the use of ASBO to those between the age of 12 and 16.

It is important to recognise that an ASBO is not a substitute for criminal proceedings by the Police. An ASBO is a civil order that exists to protect the public from behaviour that causes or is likely to cause alarm or distress. An order will contain conditions prohibiting the person named in it from doing anything specified in the ASBO such as verbally abusing named persons or entering defined areas.

Ochil View Housing Association can seek an ASBO against any person aged 12 or over irrespective of their tenure. They do not have to be Ochil View tenants or stay in an Ochil View property. We can apply for an ASBO if a person is an owner occupier, private sector tenant or tenant of a local authority. However, in the majority of cases where the perpetrator of ASB is not our tenant, we will prevail upon their landlord, or the local authority, to take appropriate action.

An ASBO for adults are intended to tackle both behaviour which is likely to escalate to the criminal level, and patterns of behaviour which cumulatively cause considerable alarm or distress to the community. An ASBO is not intended to be a substitute for criminal proceedings where these are appropriate.

The children's hearing system should continue to be the primary forum for dealing with antisocial or offending behaviour by under 16s.

The Association can, in consultation with the Police, and local authority, apply to the Sheriff Court for an order where there is evidence that a person (aged at least 12 years) has behaved in an antisocial manner and that an order is necessary for the protection of persons from further antisocial behaviour.

Prior to making an application for either an interim or full ASBO in respect of an under 16, we must consult the Principal Reporter as well as the Police and Local Authority. The Sheriff must have regard to any views expressed by the Principal Reporter before determining whether to make an order or an interim order. The sheriff must also have regard to advice provided by a children's hearing before determining an application for a full ASBO.

A Sheriff would have to be satisfied that the individual has engaged in antisocial behaviour and that the order is necessary to protect others from antisocial behaviour. The Sheriff, in making the decision, will consider the definition of antisocial behaviour in the 2004 Act. As detailed above, this defines antisocial behaviour as when a person acts in a manner that causes or is likely to cause alarm or distress, or if they pursue a course of conduct that causes or is likely to cause alarm or distress to at least one person not in their household.

There are provisions in the 2004 Act to apply for an interim ASBO. This is where immediate protection from antisocial behaviour is required pending the application of a full ASBO. The Sheriff may grant an interim order provided that they are satisfied that the antisocial behaviour cited would be established when a full hearing takes place. The Sheriff must also be satisfied that an interim order is necessary to protect the affected people from further antisocial acts or conduct by the person.

Ochil View will consider seeking an ASBO where non-legal methods are not effective, where there is evidence to support our application and there is considered to be (after taking legal advice) a prospect of success. An ASBO is not a criminal conviction and does not form part of a criminal record. However, a breach of an ASBO is a criminal offence and an individual found guilty of a breach of an ASBO would have a criminal conviction.

12.0 ANTISOCIAL BEHAVIOUR AND THE SCOTTISH SECURE TENANCY

In terms of Section 7(4) of the Housing (Scotland) Act 2014 when a tenant is responsible (either through their own actions, the actions of a member of their household or any visitor to the property for whose conduct the tenant is responsible) for antisocial behaviour within the vicinity of the dwelling house we have the right to convert their Scottish Secure Tenancy to a Short Scottish Secure Tenancy. The antisocial behaviour must have occurred within the last three years. In considering whether this action should be pursued, we will take the following into consideration:

- Who has behaved antisocially and their connection to the property
- The location at which the antisocial behaviour occurred in relation to the property
- The nature, frequency and duration of the antisocial behaviour
- The effect that the antisocial behaviour has had, is having or is likely to have on the complainant and the community
- Action taken by Ochil View, with a view to securing the cessation of the conduct
- Whether there are any convictions in respect of the antisocial behaviour
- The expected support needs of the household
- The rehabilitative process undertaken since the last complaint
- Other measures which have or could be taken by Ochil View or any agency to address the antisocial behaviour
- The likely impact of eviction on household members.
- The Short Scottish Secure Tenancy will be for an initial period of 12 months. We may extend the Short Secure Tenancy for a further period of 6 months if the tenancy has not been conducted to our satisfaction in terms of the recurrence of serious antisocial behaviour during the 12 month period. We may take legal action to end the tenancy immediately at any time.

Where we propose to convert a Scottish Secure Tenancy to a Short Scottish Secure Tenancy on the Grounds of antisocial behaviour, we will serve on the tenant a notice containing all the information that is required by law. If an ASBO has been granted, the name of the person(s) to whom the ASBO applies will be included.

In all other cases, the name(s) of the person who has behaved in an antisocial manner, the nature of the antisocial behaviour and our reasons for serving the notice will be advised.

Advising the tenant of their right of appeal

The tenant may appeal, and any appeal will be considered as a Stage 2 Complaint within the Association's Complaints Handling Procedure, with the relevant time for response. If the appeal is not upheld, the Association will advise the tenant of their right to seek an appeal to the Sheriff Court.

13.0 REPOSSESSION

Repossession will be a last resort to alleviating antisocial behaviour and will only be used when all the above measures where appropriate have been exhausted. If all appropriate methods of trying to resolve the problem have failed, Ochil View will take eviction action against a tenant responsible for persistent and serious antisocial behaviour.

Section 16 of the Housing (Scotland) Act 2001 sets out the various grounds in which the landlord has the right to take action to recover possession. There are grounds that relate to antisocial behaviour.

The 2001 Act sets out specific criteria which the courts must take into account. Essentially, the decision to evict must be subjected to the test of reasonableness. The court must have due regard for the points listed below before awarding a decree for eviction in antisocial behaviour cases:

- The nature, frequency and duration of the alleged conduct
- The extent to which the conduct is or was a consequence of acts or omissions of persons other than the tenant member
- The effect that the conduct had, is having and is likely to have on any person other than the tenant member; and
- Any action taken by the landlord, before raising proceedings, with a view to securing the cessation of that conduct.

This makes the process of preventative action (gathering evidence and recording incidents etc.) very important in terms of arguing the case of reasonableness in court.

However, the Housing (Scotland) Act 2014 introduced several new provisions and one of those measures is a streamlined eviction process. If a tenant (or any member of the tenant's household, or visitor to the house for whose behaviour the tenant is responsible) has been convicted of using the house for illegal or immoral purposes or of an offence punishable by imprisonment which has been committed in or in the locality of the house, we will consider whether we will use the streamlined eviction process to recover possession of the house. The Association must serve on the tenant a notice of proceedings using this ground within 12 months of the conviction or dismissal or abandonment of any appeal. The Court must make an order of recovery of

possession of the house without considering whether the court thinks it is reasonable to do so.

14.0 LIAISON WITH OTHER AGENCIES

14.1 Central Scotland Multi Agency Hate Response Strategy

Any complaints which may be aggravated with reference to Race, Religion or Faith, Disability, Sexual Orientation or Transgender Identity should be reported to the Central Scotland Multi Agency Hate Response Strategy by contacting the Police in the first instance.

14.2 Safeguarding Through Rapid Intervention (STRIVE)

This is a multi-agency group that meets monthly to gather and share information at an early stage to try and address any known welfare concerns quickly and prevent the need for further intervention. The group consists of:

- Clackmannanshire Council -Housing, Education & Health & Social Care
- Police Scotland
- NHS Forth Valley

STRIVE will consider cases referred by Ochil View where they require solutions of joint working by a number of agencies to tackle significant and persistent antisocial behaviour.

14.3 Fife Safer Communities Team

The Fife Safer Communities Team is a specialist team providing a wide range of services in tackling antisocial behaviour. These include: -

- Lead Community Safety Groups
- Community Wardens
- Enforcement Officers, nighttime noise team
- Issue fixed penalty notices
- Liaise with Police Scotland and carry out joint patrols
- Support Area safety groups
- Mediation
- Witness support

This service is available to Ochil View Housing Association tenants living in Fife and referrals are made by us to the Safer Community Team. The service is free of charge.

15.0 STAFF TRAINING AND DEVELOPMENT

Ochil View recognises that staff are the key resource in tackling antisocial behaviour. It is important staff have the confidence and knowledge to identify and investigate incidents of antisocial behaviour and take appropriate action.

All staff will receive training on antisocial behaviour to keep them aware of all options available for dealing with the problem and to enable them to develop the necessary skills to put these effectively into practice.

16.0 THE ROLE OF THE BOARD OF MANAGEMENT

In accordance with the Association’s structure of decision-taking, the Board of Management will consider and approve the Association’s Policy on dealing with Antisocial Behaviour. The Board of Management will also receive quarterly performance reports of the Association’s antisocial behaviour complaint handling performance.

17.0 PERFORMANCE MONITORING

Ochil View is committed to continuously improving our antisocial behaviour service. We understand that effective monitoring and reporting is fundamental to the process of evaluating and reviewing performance.

We will also provide, on request, Clackmannanshire Council and Fife Council reports on the volume and type of antisocial behaviour reported to Ochil View to assist the strategic development of their antisocial behaviour strategy.

Ochil View firmly believes residents should have access to performance information so they have criteria in which they can measure and evaluate the quality and effectiveness of the service that we deliver. Residents will be kept informed of progress in tackling antisocial behaviour through articles in newsletters and reports to Tenants Groups and the Annual Return on the Social Housing Charter Performance Report.

We recognise the priority that effectively tackling antisocial behaviour can make on a tenant’s assessment of their satisfaction with their homes and community, and with their assessment of the satisfaction with the service provided generally by the Association as a landlord. We have therefore designated the time taken to respond to complaints of antisocial behaviour as a strategic performance indicator. We will, as set out above, aim to respond within our set target times according to the level of severity of the antisocial behaviour.

We will send all complainants a “post completion questionnaire” to gather their views about the service given. We aim to improve our service based on the comments made.

18.0 REVIEW

This policy will be formally reviewed at least every 3 years.

Policy Review Consultation Process

Consultation with Tenant Scrutiny Group and Staff	November 2024
Policy Approved by Senior Management Team	12 th February 2025
Policy Considered by the Customer Services Committee	20 th February 2025
Policy Approved by the Board of Management	27th February 2025
Date of Next Review	February 2028