



RCH Policy: Anti-Social Behaviour

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| Approval Body | Social Landlord Operations Committee |
| Approval Date | 24 October 22 |

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This policy is available, on request, in different languages and in other formats such as large print, audio format and braille as required.

1. Scope

This is a River Clyde Homes policy and therefore applies to Staff, Board and Committee members of River Clyde Homes.

The Policy is also relevant to Home Fix Scotland (HFS) and a variety of stakeholders and partner agencies, including individual tenants and residents, together with tenants and residents groups, Community Councils, Customer Senate, Police Scotland, Strathclyde Fire and Rescue, Inverclyde Council Officers, Health and Social Care Partnership and Elected Members.

The policy has strong links with Inverclyde Council's Anti-Social Behaviour Strategy and key action pillars in relation to Prevention, Integration, Engagement and Communication.

2. Policy Purpose

This Policy describes how River Clyde Homes (RCH) will seek to resolve complaints made to us about anti-social behaviour and the conduct of individuals. This includes all forms of harassment and Hate Crimes.

The Policy is supported by detailed procedures that are implemented by RCH Officers.

3. Introduction

RCH acknowledges that tenants and residents have the right to live within a peaceful, enjoyable environment and feel safe within their home. The Association recognises the detrimental impact that anti-social behaviour can have upon individual residents and communities as a whole.

To realise our corporate purpose of "Improving Lives and Places", RCH will:

- take timely, consistent and effective action against persons who behave in an anti-social manner.
- Provide support to victims and in appropriate circumstances, to perpetrators to positively change their behaviour, sustaining tenancies, where possible.
- Work in partnership with all relevant local agencies to reduce incidents of anti-social behaviour and their impact by maximising prevention, intervention, engagement and communication activities.

The statutory framework for this service area is set out within the following legislation:

- Anti-social Behaviour etc. (Scotland) Act 2004
- Housing (Scotland) Act 1988
- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2014

This legislation sets out the grounds and process for recovery of possession and implementation/conversion to Short Scottish Secure Tenancies in appropriate circumstances.

Section 143 of the Anti-social Behaviour etc (Scotland) Act 2004 defines that ‘a person is engaged in anti-social behaviour if he/she:

- acts in a manner that causes or is likely to cause alarm or distress to, or
- pursues a course of conduct that causes or is likely to cause alarm or distress to at least one person not of the same household as them.’

Within the definition, ‘conduct’ includes speech.

The Act also refines and enhances the tools and powers available to Local Authorities and the Police to address forms of anti-social behaviour, including:

- Anti-social Behaviour Orders
- Closure of Premises
- Dispersal of Groups
- Noise Nuisance – fixed penalty notices
- Provision of Anti-social Behaviour Strategies
- Registration of Private Landlords

The importance of effective partnership working is key. RCH can resolve some types of issues by enforcing tenancy conditions, however, tackling other types of anti-social behaviour often depends on partner agencies applying their powers and expertise, in conjunction with RCH.

Inverclyde Council’s Safer Communities Team, for:

- Assistance in gathering evidence and carrying out additional patrols of high risk areas and
- Liaising on environmental issues falling within the Council’s responsibilities and enforcement of the Council’s licensing and regulatory powers, e.g. in relation to privately rented properties in RCH neighbourhoods.

HSCP for assistance with vulnerable people in the community.

Police Scotland where suspected criminality is involved.

Strathclyde Fire & Rescue for safety and fire prevention.

The Policy should be read in conjunction with the following related policies and strategies.

- Allocations Policy
- CCTV Policy
- Complaints Policy
- Customer Care Policy
- Tenancy Sustainment Policy
- Vulnerable Customers Policy
- Inverclyde's Community Safety Strategy
- RCH Customer Involvement Strategy
- RCH Customer Services Strategy

4. Definition of Anti-Social/Nuisance Behaviour

Anti-Social behaviour can be a complex issue. Often what feels like a nuisance to some can have a very negative impact on others. The general range and scope of anti-social behaviour can range from relatively minor disputes involving noise and lifestyle clashes to serious and extreme cases including drug dealing and serious harassment.

The definition of what constitutes 'anti-social behaviour' is based upon what is viewed as reasonable and unreasonable, and this in turn requires a judgement to be made. The types of behaviour viewed as anti-social are likely to include:

- Drug dealing;
- Harassment;
- Racism;
- Hate Crime;
- Sectarianism;
- Violence or threat of violence;
- People gathering and causing a disturbance;
- Excessive noise;
- Failing to control pets;
- Failing to keep the communal areas clean and tidy (i.e. stairs, closes, back courts, bin areas etc.);
- Failing to comply with instructions on the storage of rubbish/recycling goods and the storage and collection of rubbish/recycling bins; and,
- Any other anti-social behaviour that RCH reasonably defines as being unacceptable.

5. Policy Statement and Responsibilities

RCH recognises the harmful effect that anti-social behaviour can have upon tenants and residents' lives and will act consistently, effectively and proportionately to address causes of anti-social behaviour within its neighbourhoods, while supporting victims and witnesses.

To achieve this, we will:

- Work preventatively to reduce anti-social behaviour at the beginning of tenancies, new tenants' visits and in appropriate circumstances the provision of Short Scottish Secure Tenancies.
- Work in partnership with all relevant agencies, including Police Scotland and Inverclyde Councils Community Safety Team to identify sources of anti-social behaviour and strategically target resources to reduce their impact upon individuals and neighbourhoods.
- Practice early intervention to prevent situations escalating and where appropriate, the use of alternative approaches to conflict resolution, such as mediation and referrals for support.
- Embrace new technology and provide a range of mechanisms to report anti-social behaviour, together with clear and accessible information on policy and procedures relating to its management.
- Investigate all reported incidents of anti-social behaviour in accordance with locally agreed target timescales, taking effective and proportionate action, including legal remedies, where alternative interventions have proven unsuccessful.
- Support victims and witnesses of anti-social behaviour and in appropriate circumstances extend support to perpetrators to positively influence behaviour and sustain tenancies. Where legal remedies prove necessary, we will utilise Expert Witnesses, where possible, to present evidence in court.
- Recognise the importance of effective communication and keep complainants informed of progress and actions arising throughout the duration of their complaint.
- Maintain accurate records relating to anti-social behaviour and monitor case progress and outcomes, and regularly review our anti-social processes, learning from our experiences and customer feedback.
- Manage anti-social behaviour openly with integrity and due regard to confidentiality.
- Ensure our staff have clearly defined roles and responsibilities and are adequately trained and equipped to manage anti-social behaviour.
- Develop information sharing and joint working protocols between other RCH Teams, including HFS and or other agencies concerned with the management of anti-social behaviour, including Police Scotland, Strathclyde Fire and Rescue and Inverclyde Council.

- Research and embrace best practice concerning prevention and tackling anti-social behaviour.
- Assess and utilise information to contribute to community planning and investment programmes, assisting to design out anti-social/criminal behaviour and reducing fear of crime within neighbourhoods.

6. Equality, Diversity and Inclusion

We want equality and fairness to be central to how we deliver our services to our diverse communities. RCH recognises our obligations under the Equality Act 2010 to eliminate unlawful discrimination and harassment, advance equality of opportunity, and to promote good relations between all sections of our communities. Beyond meeting our legal duties, we also recognise that promoting equality and fairness is simply the right thing to do. We want RCH to be recognised as an open and welcoming place for all.

In relation to this Policy, RCH will give particular importance to dealing firmly with all forms of harassment and hate crimes; preserving the safety of those who make serious complaints and whose safety may be in jeopardy; and making sure that we act on evidence rather than hearsay when we investigate complaints.

In applying this Policy, RCH will comply with the Equality Act 2010. The Act makes it unlawful to discriminate against, harass or victimise a person because they have one or more of the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

RCH has set specific equality and diversity standards, as stated in our Policy on Equality and Diversity. These standards apply to all our services, including antisocial behaviour. In dealing with anti-social behaviour, RCH will:

- Deal firmly with allegations of harassment and offer advice on rehousing in the most serious cases.
- Remove racist, sectarian or offensive graffiti on our property within 24 hours, and inform Inverclyde Council of any such graffiti on Council or private property.
- Make sure we do not disclose the identity of people who make complaints about anti-social behaviour, without the complainer's agreement.
- Take account of a complainer's fear of reprisals in our approach to investigation.
- Support tenants who may be vulnerable or less able to understand the process of investigation and subsequent action.

- Make sure our investigations are objective and that we act on evidence rather than hearsay, since it is possible that some complaints may be malicious.
- Make language and communication assistance available to customers who need this. For example, by providing help to people with sight, hearing, cognitive or learning difficulties, or those who find it difficult speaking or understanding English.

An Equality Impact Assessment has been conducted to assess adverse and positive impacts of this policy regarding the nine protected characteristics set out in the Equality Act 2010.

The Human Rights Act 1998 specifies that every individual has the right to own and enjoy the ownership of property; the right to respect for private life; the right to respect for family life; and the right to respect for their home. The Act provides protection against discrimination regarding any of these rights and could affect many of the housing and other services that RCH provides, including those outlined within the Anti-Social Behaviour Policy.

7. *Complaints and Customer Feedback*

A customer may submit a complaint if they feel RCH have failed to apply this Policy correctly, or if they are dissatisfied with the standard of service RCH has provided.

All complaints will be dealt with in accordance with RCH's Complaints Handling Procedure. Tenants also have the right to refer complaints to the Scottish Public Services Ombudsman, if they have exhausted RCH's Complaints Handling Procedure and remain dissatisfied with our response.

RCH use CX Feedback to collect data on how customers feel their case was dealt with and we will use customers' experiences to shape and develop our services.

8. *Review*

This policy will be reviewed in its entirety every 3 years, unless an earlier review is required due to changes in legal, regulatory or best practice requirements, or because monitoring and reporting reveals that a change in policy is required sooner.