

Antisocial Behaviour Policy

Approved – September 2019

1. Introduction

This policy sets out Cairn's approach to recognising and responding to antisocial behaviour.

2. Policy Purpose

2.1 The purpose of the policy is to:

- support our mission statement and assist us in fulfilling our core values
- achieve the relevant key objectives as contained in our Business Plan
- meet the Scottish Housing Regulator's Guiding and Activity Standards
- enable us to fulfil our statutory responsibilities (Housing (Scotland) Act 2001, Antisocial Behaviour (Scotland) Act 2004 and Housing (Scotland) Act 2014) and is written in the light of best practice guidance from the Scottish Government and Chartered Institute of Housing amongst others.
- enable us to contribute to local authority antisocial behaviour strategies and fulfil our duty to assist in their development and
- demonstrate our commitment to assisting tenants in fulfilling the obligations of their Scottish Secure Tenancy agreement/ short Scottish secure tenancy agreement.
- to help reduce the harm that is caused to communities from serious antisocial or criminal behaviour, where the crime committed is within the locality of the tenancy.
- reduce antisocial behaviour in the areas in which we operate through collaborative working with various partners. This will involve a combination of prevention, enforcement and support.

3. Context

3.1 Cairn will take account of legislative requirements and good practice regarding antisocial behaviour, notably:

- Antisocial behaviour etc. (Scotland) Act 2004
- Housing (Scotland) Acts 2001& 2014
- Local Authorities' Anti-social Behaviour Strategies
- Promoting Positive Outcomes: Working Together to Prevent Anti-social Behaviour in Scotland - Volume 1 (Scottish Government & COSLA)
- Recognise and operate within and to locally agreed strategies and practices

4. Definition

4.1 We define antisocial behaviour as it is defined in legislation. Section 143 of the Antisocial Behaviour (Scotland) Act 2004 provides that:

- a person engages in antisocial behaviour if they:
 - act in a manner that causes or is likely to cause alarm or distress
 - pursue 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 as them
- “conduct” includes speech
- “a course of conduct” must involve conduct on at least two occasions
- “likely to cause” has the effect that someone other than a victim of the antisocial behaviour can give evidence of its occurrence.

4.2 ASB will be broken down into 4 Categories and Cairn will aim to make initial contact with the subject of the ASB complaint within a set number of days of it receiving the complaint, as set out below.

Category A

Extremely serious/imminent risk – first contact from Cairn within 1 working day.

Category B

Serious/no immediate risk – first contact from Cairn within 5 working days.

Category C

Neighbour nuisance – first contact from Cairn within 10 working days.

Category D

Non-tenancy related issues – no formal response given but advice will be provided to complainant.

Investigations into complaints of antisocial behaviour will aim to be resolved within 30 working days, however Cairn is entitled to extensions as may reasonably be required having regard to the circumstances. In such cases the complainant will be kept up to date and informed.

4.3 The Scottish Secure Tenancy Agreement/ short Scottish secure tenancy agreement (SSTA/SSSTA) sets out our expectations of our tenants and our own responsibilities. We will ensure that the terms and conditions of the SSTA in so far as they relate to antisocial behaviour are adhered to and enforced.

We will work with communities to ensure that antisocial behaviour issues are addressed quickly and effectively.

5. Approach

5.1 Our approach to antisocial behaviour issues will:

- take a positive approach to antisocial behaviour and work with local authorities and communities to identify & prevent antisocial behaviour by early detection and proactive management.
- take action and use all remedies open to us to prevent and deal with antisocial behaviour including warnings, Acceptable Behaviour Contracts, converting the tenancy to a SSST, mediation and issuing Notice of Proceedings/taking legal action
- engage with alleged perpetrators, victims of antisocial behaviour and affected communities to try to reach an agreed solution.
- work in partnership with local authorities, the police and other agencies to contribute to antisocial behaviour strategy development etc. We will enter into local Service Level Agreements or information sharing protocols as appropriate.
- have a clear process for reporting and recording the progress of antisocial behaviour complaints.
- adhere to our agreed procedures in relation to the management of antisocial behaviour.
- investigate and respond to reports of antisocial behaviour within the timescales detailed above and keep the complainant informed and updated throughout the process.

6. Information

- 6.1 We will provide information and training to our staff, to better equip them to recognise antisocial behaviour, prevent it from arising or escalating, and respond to it appropriately when it occurs.
- 6.2 We will help tenants and communities find solutions to problems of nuisance neighbours and provide advice and details on ways to address neighbour problems.
- 6.3 We will promote the guidance, good practice and services available from the Scottish Government, and work within local authority antisocial behaviour strategies.
- 6.4 We will establish and maintain systems for consistent collection of information on reports of antisocial behaviour so that we can report to the Scottish Housing Regulator to meet agreed Key Performance Indicators.

7. Review

This policy will be reviewed every three years or sooner to:

- Comply with changes in legislation, rules, regulations and guidance
- Comply with changes within Cairn
- Comply with changes in best practice