

Antisocial Behaviour Policy

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in large print, in Braille, on tape or in another
non-written format.*

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ہم درخواست پر معلومات کو بڑے حروف، بریل، ٹیپ پر یا کسی اور غیر تحریری صورت میں بغیر کسی لاگت کے مہیا کر سکتے ہیں۔ ہم اس کا دوسری زبانوں میں ترجمہ بھی کروا سکتے ہیں۔ اگر آپ کو ان میں سے کسی صورت میں یہ معلومات ہرکار ہوں تو برائے کرم ہمیں **0800 561 0088** پر کال کریں یا info@wheatley-group.com پر ای میل کریں۔

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Trade union engagement required	<i>Yes – For information</i>
Equality Impact Assessment	<i>Yes</i>

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1. Introduction and Background

As Scotland's leading Housing, Care and Property Management Group – Wheatley Group (“the Group”) – we want our customers and their families to reach their potential for a brighter future. Our 2021-2026 strategy – Your Home, Your Community, Your Future – sets out our purpose of ***Making Homes and Lives Better*** and within our strategic theme of Changing Lives and Communities, outlines the strategic outcome where we want to develop peaceful and connected neighbourhoods.

Delivery of exceptional customer experience is at the core of what we do, where we strive to deliver the highest level of customer satisfaction and ensure our customers have greater choice and control to shape the services they receive. Customer engagement lies at the heart of this, where the voice of the customer is essential in the creation and design of our products and services that respond to our customers identified priorities.

We want Wheatley Homes East customers to feel safe and secure and live within peaceful neighbourhoods, where people look out for each other and are proud to be a part of the community. We recognise that antisocial behaviour (ASB) can have a detrimental impact on achieving this vision, which in turn impacts community stability. It is important therefore that we have a clear policy in place to outline how we will investigate and manage reports of ASB.

The Scottish Government undertook some research in 2020 to look at the picture of ASB within Scotland, to explore how common it is, which types are the most common, who is engaging with it and what is driving it.

One of their key findings included establishing that there is a strong link between ASB and area deprivation through a lack of good facilities and services. Our purpose of making homes and lives better for our customers is a crucial element in addressing this finding. We have a strong approach towards the creation of thriving neighbourhoods where staff teams work collaboratively to create spaces which are safe, and customers feel a sense of pride residing there.

Another finding was that there has been a clear shift in ASB being treated as an issue of law and order and sanctions, to one which recognises the vulnerability of those who engage in ASB as the desired preventative approach. Our prevention and solutions approach towards dealing with ASB supports this finding.

It is crucial that we take a collaborative approach with partner agencies including Police Scotland, Local Authority Social Work Services and third sector organisations, to develop and implement a sector leading approach towards dealing with ASB, which is person centred and trauma informed.

2. What is antisocial behaviour?

2.1 Definition of antisocial behaviour?

The legislative framework that governs how Registered Social Landlords (RSLs) interpret and manage ASB is outlined within the Antisocial Behaviour etc. (Scotland) Act 2004, where at section 143, the legislation states a person engages in ASB if they:

“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 as that person”.

Conduct can include speech, and a course of conduct must involve conduct on at least two occasions. The expression ‘likely to cause’ means that someone other than the affected person of ASB can conclude that the behaviour is antisocial or not. It is the effect or likely effect of the behaviour on other people that determines whether the behaviour is antisocial.

In relation to eviction actions, we also utilise definitions contained within the Housing (Scotland) Act 2001 as follows:

“The tenant or someone residing in or visiting the tenant’s house has acted in an antisocial manner in relation to a person residing in, visiting or otherwise engaged in lawful activity in the locality or has pursued a course of conduct amounting to harassment of such a person or a course of antisocial conduct in relation to such a person and it is not reasonable for the landlord to make other accommodation available to the tenant”.

Paragraph 7(2) of Part 1 of Schedule 2 to the 2001 Act defines “antisocial”, “conduct” and “harassment” for the purposes of eviction actions. In summary these are:

“Antisocial” means causing or likely to cause alarm, distress, nuisance, or annoyance to any person.

“Conduct” includes speech, and a course of conduct must involve conduct on at least two occasions.

“Harassment” is as defined in section 8 of the Protection of Harassment Act 1997 and includes causing the person alarm or distress”.

2.2 Categories of antisocial behaviour

We have identified 2 distinct categories of ASB, which are grouped linked to their seriousness:

Category	Definition incident type
A	<ul style="list-style-type: none"> • A conviction or criminal charges of drug dealing (supply or intent to supply) or production of a controlled drug. • Criminal behaviour involving serious incidents of violence or threats of violence (including possession of weapons, serious assault, culpable and reckless conduct) • Hate Crimes • Wilful fire-raising
B	<ul style="list-style-type: none"> • Threatening / Abusive behaviour • Nuisance Noise (ASB) • Common Assault • Threats (verbal, written or via telecommunications) • Vandalism • Dog Fouling (communal areas)

2.3 Timescales

The timescales that we aim to adhere to in terms of investigation of any reports of ASB is:

Category	Action*	Resolve**
A	Within 1 working day	Within 10 working days
B	Within 3 working days	Within 10 working days

***Action** – this refers to the action that will be taken to commence the investigation process, which is taking details of the case, loading this on our ASB recording system and referral to the specialist ASB team or housing officer to deal with.

****Resolve** – this is the language used by the Scottish Housing Regulator (SHR) who are responsible for the regulation of RSLs within Scotland. It refers to the RSL taking appropriate measures as set out in their ASB Policy to address the cause of the reported ASB, ensuring they have advised the affected person in writing of the outcome on this.

Our Wheatley Homes East Neighbourhood Management Policy covers concerns which we determine do not constitute ASB and are aligned more to general living or environmental issues. This includes concerns of noise nuisance that aren't determined to be ASB and relate more to everyday living noise.

3. Policy Aims and Objectives

3.1 Our Aim

Our aim is to investigate and take appropriate action to reports of ASB made by Wheatley Homes East customers, through the provision of an effective and proportionate response which is both person-centred, and trauma informed.

3.2 Our Objectives

We will achieve our aim by successfully achieving the following objectives:

- Ensure customers are aware of their **responsibilities** under the terms of their Wheatley Homes East tenancy agreement.
- **Prevention** of ASB through education and an effective communication strategy around expected appropriate behaviours and conduct, that align with a sense of neighbourliness.
- Embedding a culture of **early intervention** where areas of support are identified to prevent the occurrence or reoccurrence of ASB.
- Undertake **community engagement** activity to raise awareness of the impact of ASB within communities to discourage the activity.
- **Empower** local communities to confidently report any issues of ASB and know they will receive an exceptional level of customer service if they do so.
- Provide clear **guidance and written procedures** to staff on how to deal with and manage incidents of ASB within our communities.
- Thoroughly **investigate** reports of ASB applying the detailed five stage process established (detailed at section 5.4), to ensure a professional response is delivered.
- Provide the appropriate level of **support** to those affected and involved in ASB (affected persons, witnesses and accused persons) to obtain better outcomes for everyone.
- Utilise all tools and **enforcement** powers available to RSLs to deal with ASB where necessary.
- Work in **partnership** with Police Scotland, Local Authorities and other strategic and third sector partners, sharing information and working collaboratively to achieve the best possible outcomes for everyone involved.
- Deliver a **consistent** approach towards tackling ASB through the provision of training which recognises the benefits of a prevention and solutions approach.
- Utilise new **technology** and develop new and innovative measures for preventing and managing incidents of ASB.

4. Roles and Responsibilities

4.1 Registered Social Landlords (RSL)

The Scottish Housing Regulator (SHR) is the independent regulator of RSLs in Scotland and has a statutory objective to safeguard and promote the interests of tenants who live in homes provided by RSLs. Establishment of the SHR by the Scottish Government helps support their aim of creating a safer and stronger Scotland.

Wheatley Homes East have a requirement to report the number of ASB cases reported to them each year to the SHR through the Annual Return of the Charter (ARC), as well as details of the number of these cases that have been resolved in line with our agreed ASB Policy.

It is the responsibility of Wheatley Homes East to investigate any reports of ASB made by its customers. They must establish the facts, provide support, and seek to resolve any incidents within the agreed timescales as noted above at section 2.3.

4.2 Local Authorities

Local Authorities have a responsibility to investigate ASB for residents across their boundaries and have dedicated teams in place to do so. This covers a variety of tenures within the area (e.g., Owner Occupation, Private Let, Temporary Accommodation, Factored Owner), however if they determine the individual is a tenant of a housing association, they will advise them to contact their RSL to report the ASB, to allow them to investigate this further using their ASB Policy. Individuals can ask their Local Authority for support irrespective of their tenancy type.

They have a variety of roles within their dedicated teams, which are multi-skilled and ranges from community wardens, noise teams, home security and mediation services and they will provide advice to anyone who contacts them if they reside within that local authority area. You will find details of all Local Authority ASB teams across Scotland here: [Report noise or antisocial behaviour - mygov.scot](#) These teams have powers to issue warnings and fixed penalty notices.

Local authorities have the statutory responsibility for controlling and dealing with concerns about noise.

4.3 Police Scotland

It is the responsibility of Police Scotland to investigate any reports of ASB where there is a criminal offence committed. Some examples of this include:

- Attack of another person, causing physical and/or psychological damage.
- Wilful damage to someone's property.
- Threatening and abusive behaviour.
- Hate Crime.
- Drug dealing/drug taking.

The Police also have specific powers, including the power to disperse groups of people who persistently act in an antisocial manner. They can issue on the spot fines through Antisocial Behaviour Fixed Penalty Notices (ASB FPN), as well as Recorded Police Warnings (RPW), which are referred to as Police Direct Measures.

4.4 Customers

The tenancy agreement signed by all customers outlines the responsibilities that individuals must adhere to in relation to respect for others. It specifies that individuals, those living with them, and their visitors, must not act in an antisocial manner and/or pursue a course of antisocial conduct against any person within the neighbourhood or within the property. It details the types of behaviours that must not be exhibited, including making excessive noise, use the property for illegal or immoral purposes, harass or assault any person in the property or neighbourhood, or use, hold or sell illegal drugs or sell alcohol. Full details of this and all other conduct that must not be engaged in can be found in the Wheatley Homes East tenancy agreement, that is signed at the commencement of a tenancy.

5. Our approach towards antisocial behaviour and the investigation process

5.1 Community Improvement Partnership (CIP)

The Community Improvement Partnership (CIP) plays a major role in the delivery of our strategic outcome around development of peaceful and connected neighbourhoods. The CIP is a unique partnership between Police Scotland and Wheatley Homes East, where resources from each organisation are co-located and work together to tackle ASB. This dual agency style allows for a collaborative approach to be taken to address issues of ASB within communities. Working in an integrated way, we can identify a richer picture of ASB occurring within our communities and the nature of it, which then allows targeted intervention to address the issues identified.

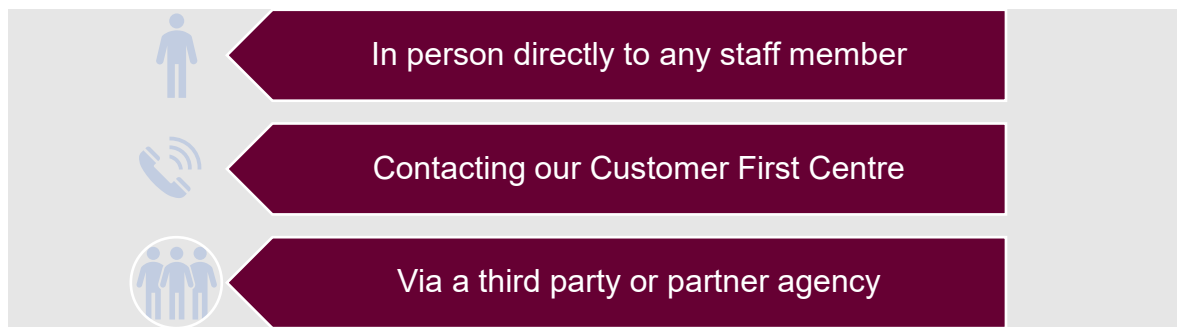
5.2 Our approach

We adopt a **Prevention and Solutions** approach toward dealing with ASB, which means that we try to best understand the root cause of the behaviour and conduct and provide effective solutions to try and prevent it from reoccurring, whilst using the measures we have at our disposal to address the issue. It takes a trauma informed approach and is applied on a person-centred basis, where support is offered to those affected by the behaviour and those participating in the behaviour and conduct.

This approach is in line with the public health approach towards policing which has been adopted within Scotland, where the emphasis is on prevention.

5.3 Reporting ASB

ASB can be reported by Wheatley Homes East customers via several routes, which can either come directly from them, or via a third party, partner agencies, or our colleagues. The mechanisms for reporting can include:



Circumstance is a crucial element in determining whether something falls into the ASB category or whether it could be considered as something else. To support this process, we have developed a clear triaging methodology with factors for consideration to determine which category the concern falls within, which will be either:

- ASB; or
- Neighbourhood management concern.

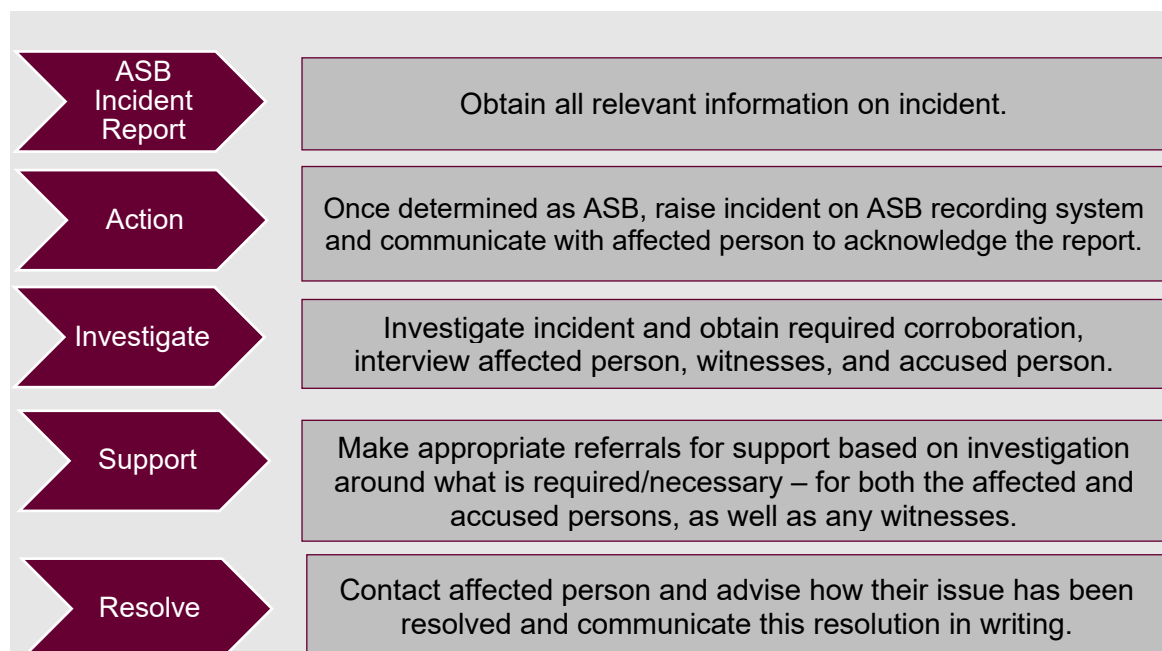
Staff will establish detail around the concern to determine this and will be well trained to manage these types of cases:

Triaging methodology - factors for consideration	
1.	What is the nature of the issue or concern?
2.	When is the activity, action or behaviour taking place – (e.g., time of day)?
3.	How often is the activity, action or behaviour taking place – (e.g., the frequency of this – hourly, daily, weekly, monthly)?
4.	How long does the activity, action, or behaviour last – (e.g., the duration of this - 30 minutes, one hour, all morning/evening, all day)?
5.	What impact is the action, activity or behaviour having on the person affected by this?
6.	Are there any underlying reasons to explain the activity, action, or behaviour?
7.	Is the activity, action, or behaviour unreasonable?

Each case will be dealt with on its individual merits and characteristics and a determination made following full consideration of all detailed and contextual information. Our staff will always communicate clearly with customers which route their concern is being dealt with under – ASB or as a neighbourhood management concern.

5.4 ASB investigation process

We have devised a comprehensive five-stage process to deal with any reports of ASB received from Wheatley Homes East customers:



If a more enforcement led approach is required to deal with the behaviour and conduct, then staff can utilise the various legislative powers available to RSLs through the Antisocial Behaviour etc. (Scotland) Act 2004 and the Housing (Scotland) Act 2001 as amended, including:

- Acceptable Behaviour Contracts (ABC).
- Unacceptable Behaviour Notices (UBN).
- Mediation (non-legislative).
- Warning Letters (non-legislative).
- Short Scottish Secure Tenancy.
- Interim Antisocial Behaviour Orders (Interim ASBO).
- Antisocial Behaviour Orders (ASBO).
- Notice of Proceeding for Recovery of Possession (NPRP).
- Eviction Orders.

Wheatley Homes East customers will always be advised in the event of criminal behaviour being established, to report this to Police Scotland – full details [here](#). Customers are reminded that if they do not feel comfortable calling Police Scotland then they can contact Crimestoppers to report crime anonymously – full details [here](#).

5.5 Support for those impacted by antisocial behaviour.

Where a Wheatley Homes East customer has been affected by ASB and reports this to us, they can always be assured of the following:

Effective Communication	We will keep you updated throughout the duration a case is ongoing, explaining the process taken at each stage and honour any commitments made to contact you.
Internal wraparound support	We will provide access to internal wraparound support services that suit an individual's needs.
External support	We will signpost to specialist services based on individual circumstance and need and make any referrals identified as necessary.

6. Partnership working

No one agency or organisation can tackle ASB alone. Working in partnership to address ASB and issues affecting communities must be tackled in a collaborative manner with a multi-agency partnership approach if the best outcomes are to be achieved. For the best and most effective approach, partnerships require to be established between RSLs and Police Scotland, Local Authorities and third sector organisations operating within the ASB and

community safety sector. This includes dedicated ASB teams across the local authorities where we have a footprint, as well as social work services.

We attend a variety of multi-agency forums, as well as being involved within the National Antisocial Behaviour Officers Forum (ASBOF). We have also established partnerships with the Scottish Violence Reduction Unit, Scottish Community Safety Network and Victim Support Scotland.

7. Legislative, Regulatory and Strategic Drivers

Legislation

This policy has been developed considering the following relevant legislation:

- Antisocial Behaviour etc. (Scotland) Act 2004.
- Housing (Scotland) Act 2001.
- Housing (Scotland) Act 2010.
- Housing (Scotland) Act 2014.
- Human Rights Act 1998.
- Regulation of Investigatory Powers (Scotland) Act 2000.
- Equality Act 2010.
- Data Protection Act 2018.
- General Data Protection Regulation (Regulation) (EU) 2016/679).

Regulatory

Wheatley Homes East must submit an Annual Return on the Charter (ARC) each year to the Scottish Housing Regulator (SHR) to detail how they have performed against the prescribed standards they have set. In relation to ASB, there are two specific indicators outlined within the SHR ARC return, which are noted in Appendix 1.

Strategic Drivers

Promoting Positive Outcomes: Working Together to Prevent Antisocial Behaviour in Scotland (published in 2009) remains the Scottish Government's most recent ASB Policy document. This document provides strategic direction for Local Authorities, Housing Associations, and other statutory partners to follow.

The Scottish Government National Performance Framework (NPF) is Scotland's wellbeing framework and sets out a national purpose and vision for Scotland, with outcomes to measure progress towards supporting these outcomes. ASB is reflected in many of the National outcomes identified within

the NPF, however the one most closely aligned with this is ***'we live in communities that are inclusive, empowered, resilient and safe'***.

There are statutory duties under part 1 of the Antisocial Behaviour etc. (Scotland) Act 2004 for Local Authorities and the Chief Constable to develop an ASB strategy to outline how this will be dealt with within an authority's area.

The Scottish Government and Scottish Community Safety Network released their ***'Reviewing Scotland's Approach to Antisocial Behaviour'*** report findings in November 2023, which details that a longer-term approach is needed to consider the necessary actions required for this. A working group of experts is being established, where a report on their findings is expected by the end of 2024. This Policy will be updated to reflect anything of relevance that comes from this report.

8. Policy review and consultation

We will review this policy every three years. Reviews will consider legislative, performance and good practice changes.

More regular reviews may be considered where, for example, there is a need to respond to new legislation / policy guidance or any recommendations from learning reviews.

We have developed this policy in consultation with key stakeholders, including customers and staff from Wheatley Homes East. Externally we have consulted with Police Scotland and the Scottish Community Safety Network.

9. Policy awareness and training

All staff within Wheatley Homes East will be made aware of the existence of this Policy, their responsibilities, and the benefits of this policy for supporting our customers and communities. Our process for dealing with ASB will be clear to staff, particularly those who have responsibility to action any incidents reported to them.

We have developed a robust training programme for staff involved in dealing with ASB, which includes information on our prevention and solutions approach, to ensure our staff are fully familiar with the causal factors of ASB. It also covers in detail the investigation process and enforcement action available to RSLs to tackle ASB when this is necessary to implement, following attempts to correct and address the behaviour.

10. Performance monitoring and reporting

We will measure and monitor ASB incidents reported to us to establish the types of issues being raised, as well as identifying any trends or thematic areas established, such as repeat incidents and/or addresses. This insight will allow greater understanding around ASB within our neighbourhoods and the types of suitable and effective resolution methods available.

Customer satisfaction with ASB and areas for improvement will also be measured and embedded through established structures across the organisation such as our customer stronger voices programme and scrutiny panel.

11. Confidentiality and Data Protection

In certain circumstances and subject strictly to conditions set out in the Data Protection Act 2018, General Data Protection Regulations and any other applicable data protection legislation, personal information may be shared by Wheatley Homes East with other organisations and partners. Before Wheatley Homes East can share personal information, it must consider all legal implications of doing so, not simply the terms of the applicable legislative requirements. Appendix 2 of Wheatley Group Data Protection Policy must be considered.

Once a decision has been made as to whether or not information should be shared, that decision must be recorded, together with the reasoning behind that decision. Where a decision was taken to share the information, this will be on a “need to know” basis and an audit trail must be kept.

Staff members must consult the Group Data Protection Policy and if in doubt, seek advice from the Group Information Governance Team.

12. Complaints

Our aim is to get it right first time, however, where there is a dissatisfaction with this policy or its operation, customers can make a complaint.

A summary of the Complaints Policy and Procedure is available on the Wheatley Homes East website.

Scottish Social Housing Charter – Annual Return of the Charter Indicators relative to ASB.

Indicator number	Charter Description
15	<p>Percentage of antisocial behaviour cases reported in the last year which were resolved*.</p> <p>(i) Number of cases of antisocial behaviour reported in the last year. Of those at (i)</p> <p>(ii) Number of cases resolved in the last year.</p>
22	<p>Percentage of the court actions initiated which resulted in eviction and the reasons for eviction.</p> <p>(i) The total number of court actions initiated during the reporting year. (ii) The number of properties recovered for non-payment of rent.</p> <p>(iii) The number of properties recovered for antisocial behaviour.</p> <p>(iv) The number of properties recovered for other reasons.</p>

***Definition - Resolved**

Where the landlord has taken appropriate measures, as set out in its ASB policies and procedures, to address the cause of the ASB report and has advised the affected person of the outcome; or

Where the landlord does not have the authority or power to resolve, and it has provided a full explanation of the landlord's position to the complainer.