

A background image showing a row of residential buildings. On the left is a traditional multi-story brick building with a gabled roof and many windows. To its right is a modern, white-painted building with large glass windows and a flat roof. The sky is blue with some light clouds.

# **Anti-Social Behavioural Policy**

**Approved: June 2021  
V.05 (Code: HM11)**

## **Anti-Social Behavioural Policy**

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## Anti-Social Behavioural Policy

### THE PURPOSE

To set out Shettleston Housing Association's approach to tackling anti-social behaviour and harassment.

### 1. Introduction

Shettleston Housing Association (SHA) operates in accordance with;

- Statutory Requirements
- The standards set down in the Scottish Social Housing Charter
- The requirements of the Scottish Housing Regulator

In the formulation and implementation of all its policies, SHA seeks to fulfil its Corporate Aims through the development and implementation of its policies and all SHA's policies operate to achieve its Strategic Objectives as set out in its Business Plan.

### 2. Equalities and Diversity

SHA is committed to providing equality of opportunity to all persons or groups within its area of operations in every aspect of its activities.

We will seek to ensure that this policy and its associated procedure is applied in a manner that is fair to all sections of the community regardless of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation.

This policy, and any summary or information leaflet, can be made available, free of charge, in a variety of formats including large print, translation into another language or audio tape.

### 3. Access To Policy Information

SHA will ensure that its policies are made fully available to all tenants, applicants, members, persons or groups within its areas. Every effort will be made by SHA to support access and promote awareness of its policies by posting these on its website, developing summaries, guidance and information leaflets as appropriate.

### 4. Tenant Involvement and Consultation

SHA is committed to meet the requirements of the Housing (Scotland) Act 2010 in all of its policies and to meet the requirements of the Scottish Social Housing Charter.

It will involve tenants in the development of its policies in all cases where proposed changes will result on changes in standards of service and/or will significantly impact on service users. It will also seek feedback in other appropriate circumstances. It will ensure at all times that any material change to services affecting tenants in this and other policies will be the subject of consultation.

## **5. Policy Monitoring**

SHA is committed to ensure that adequate monitoring of the implementation of its policies is undertaken. This will be achieved through regular review by the Management Committee; customer/tenant feedback surveys, and regular consultation with tenant/resident groups.

## **6. Risk Management and Assessment**

SHA has a detailed Risk Management Policy in place and it will assess the risks to the Association in the implementation of each of its policies as part of its risk management strategy.

## **7. Procedures**

SHA will develop a detailed set of back up procedures identifying actions, roles and responsibilities in the implementation of its policies. These procedures will be subject to regular review and audit.

## **8. Training**

SHA will ensure that its staff are properly trained in terms of their knowledge and understanding of statutory requirements and the requirements of the Scottish Social Housing Charter pertaining to its policies. It will ensure that appropriate staff are kept up to date with all procedures pertaining to the implementation of policies.

## **9. Purpose of this Policy**

This policy aims to clearly set out SHA's approach to tackling antisocial behaviour and harassment. Although there is no legal requirement for housing associations to have a strategy in place we recognise that tackling antisocial behaviour and harassment is now a key activity for housing organisations and is vital in maintaining sustainable communities where people feel safe and secure.

## **10. Legal and Regulatory Requirements**

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:

## Legal Requirements

- The Housing (Scotland) Act 2001
- The Housing (Scotland) Act 2010
- The Housing (Scotland) Act 2014
- Equality Act 2010
- Crime and Disorder Act 1998
- Misuse of Drugs Act 1971
- Antisocial Behaviour (Scotland) Act 2004
- Human Rights Act 1998
- Data Protection Act 1998

## Regulatory Framework

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

### Outcome 6 - Neighbourhood and Community:

Social landlords, working in partnership with other agencies, help to ensure as far as reasonably possible that:

- *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:

Social landlords ensure that:

- *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.*

This **outcome** covers how landlords on their own, or in partnership with others, can help tenants who may need support to maintain their tenancy. This includes tenants who may be at risk of falling into arrears with their rent, and tenants who may need their home adapted to cope with age, disability, or caring responsibilities.

### **Links to other policies and procedures**

The following SHA policies should also be referred to in relation to our approach to antisocial behaviour and harassment:

- Estate Management Policy
- Allocations Policy
- Void Management Policy
- Complaints Policy and Procedure
- Tenancy Sustainment Policy
- Engagement Strategy
- Business Plan

## **11. Policy Objectives**

SHA understands the effects of neighbour nuisance, antisocial behaviour and harassment on individual tenants and communities. We believe that all tenants have a right to live peacefully in their homes and as such, take very seriously, the issue of antisocial behaviour and harassment, which adversely affects that right.

In addition to the above statement the Association makes the following commitments: The Association will:

- Adopt policies and practices, which aim to enable residents to live peacefully in their community.
- Ensure opportunities are available to allow tenants to easily report incidences of antisocial behaviour
- Respond appropriately to all complaints concerning antisocial behaviour – in line with agreed standards, locally agreed targets and good practice.
- Ensure that early action is taken in response to all complaints.
- Listen sympathetically to all tenants and will not pre-judge or make assumptions.
- Advise tenants of the actions they can take in response to the antisocial behaviour.
- Record all complaints and action taken in a clear and consistent manner.
- Investigate and evaluate cases to assess the most appropriate action required.
- Support the victims of antisocial behaviour and harassment, particularly where they are at risk of reprisals and are required to give evidence in court against their neighbour (staff should give regular updates on progress, advice on potential future action and implications for complainants).
- Ensure other relevant agencies, Police Scotland, Social Work Department, Environmental Services assist in resolving antisocial behaviour.

## 12. Definition of Anti-Social Behaviour

The Antisocial Behaviour etc. (Scotland) Act 2004 sets out the main powers of enforcement available to housing associations and others in tackling antisocial behaviour (notwithstanding those available as a result of a breach of tenancy).

The Act defines antisocial behaviour as follows:

A Person engages in antisocial behaviour if he/she

- (a) acts in a manner that causes or is likely to cause alarm or distress; or
- (b) 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.

Conduct includes what people say; and a course of conduct must involve conduct on a least two occasions.

Antisocial behaviour is not necessarily behaviour that is merely different, for example by reason of a medical or developmental condition or a mental health problem or because of a different lifestyle, culture or religion. Additionally, a behaviour that is shown to be reasonable in the circumstances will be disregarded.

The following types of behaviour will always be considered antisocial:

- **Any kind of criminal or alleged criminal behaviour:** including sale or misuse of drugs; handling stolen goods; criminal damage; prostitution, theft or assault;
- **Noise nuisance:** for example loud music, shouting, noise from televisions and hi-fi systems, owners failing to control the behaviour of their dog leading to excessive barking;
- **Intimidation and harassment:** including malicious phone calls, putting offensive materials through letter boxes, etc.;
- **Aggressive and threatening language and behaviour:** including using verbal and physical abuse including threatening and offensive gestures and language;
- **Actual violence against people and property :** including vandalism, fire raising or attempted fire raising, and criminal damage;
- **Hate related behaviour that targets members of identified groups because of their perceived differences:** for example their race and ethnicity, gender, age, religion, sexual orientation, mental health or disability;
- **Local environment quality issues:** including vandalism, litter, dog fouling, garden nuisance in circumstances where a complaint is made, graffiti, fly tipping, abandoning of vehicles, dumping of rubbish in communal areas, failing to control pets, storing vehicles in shared or undesignated areas etc.;

- **Using housing accommodation for unlawful purposes:** for example to grow, sell and/or consume drugs or to store stolen goods or unlicensed firearms;
- **Heated, aggressive, physical or unruly disputes between neighbours;**
- **Alcohol abuse and drunken behaviour in communal or public areas;**
- **Loitering in communal areas.**

### 13. Harassment and Hate Incidents

Harassment is a very specific type of ASB. The following definition of harassment is used for this policy and procedure:

- Unwanted and unwarranted conduct which is either intended to or causes a person(s) alarm or distress:
  - Violating another's dignity; or
  - Creating an intimidating, hostile, degrading, humiliating or offensive environment for another person.

SHA adopts a zero tolerance policy in the occurrence of harassment. This means that SHA will normally seek a decree for eviction where the case is considered to be hate crime and/or racial harassment, where such a course of action is considered to be reasonable and proportionate. SHA will make known that there will be consequences of such behaviour and that all forms of harassment and hate incidents will be addressed effectively, fairly, timely and transparently.

The Protection from Harassment Act 1997 sets out that for harassment to be a criminal offence, the conduct must be intended to amount to harassment, occurs in circumstances where it would appear to a reasonable person that it would amount to harassment, and involve conduct on at least two occasions.

The reason why harassment is often separated out from the generic ASB is that harassment is generally premeditated, targeted and reoccurring whereas antisocial behaviour can be unintentional and spontaneous.

Harassment is often unlawful whereas ASB may not be. Harassment on the grounds of sex, race, religion, disability, sexual orientation or any other protected characteristic may amount to unlawful discrimination under the Equality Act 2010 and may also breach other legislation. Harassment which meets the description above, and is carried out on more than one occasion, is a criminal offence under the provisions of the Protection from Harassment Act 1997.

Harassment on the grounds of a protected characteristic including race, colour, nationality, religion/belief, disability, sexuality, gender identity, gender or age becomes such if it is perceived that way by the recipient of the harassment. This is regardless of the intent behind the harassment. This type of harassment is often termed a '**Hate Incident**'. For harassment to fall into the category of a hate incident it must be perceived as such by the victim or by any other person and if so, it must be treated and investigated as such.



All tenants will be advised at sign up stage that harassment and hate crimes a serious breach of the tenancy agreement and that we adopt a zero tolerance approach.

SHA is committed to preventing and eliminating all forms of racial harassment and hate crimes towards tenants and owners where the alleged perpetrator is an SHA tenant. It will respond swiftly and effectively to any report of racial and hate incidents received with the aim of protecting the complainant, stopping and preventing further incidents. Where SHA believes a criminal offence has taken place it will either report it to the police or encourage the resident or service user to do so.

SHA recognises that racial harassment and hate crimes are generally under reported and will provide positive support and advice to all tenants, owners and service users who ask for help or assistance.

#### **14. Drug Dealing or Drug Misuse**

SHA recognises that drugs and other harmful substances can have a serious effect on those who misuse them, their families, and their communities. Involvement with drugs can often have a direct link to ASB, particularly where the supply or sale of drugs is taking place. SHA therefore adopts a zero- tolerance policy and will pursue a decree for eviction in cases where its tenants or members of their families have been convicted of the sale or supply of drugs to others in their communities, where such a course of action is considered to be reasonable and proportionate (see also section 19 below).

SHA will work closely with Police Scotland and the CRU, in line with relevant information sharing protocols, to share information and ensure we are in a position to take action where appropriate (see also section 21 below).

#### **15. Prevention of Anti-social Behaviour**

SHA adopts measures in seeking to prevent neighbour disputes and incidences of antisocial behaviour by:-

- Ensuring all new tenants are advised of their obligations and the Association's responsibilities as landlord when signing their tenancy agreement.
- Ensuring appropriate support is available for applicants who accept a tenancy with the Association
- Starting a tenancy with a short SST where this is reasonable and proportionate
- Completing new tenant visits within 6 weeks of signing a tenancy agreement and ensuring the tenant is aware of their responsibilities and is not experiencing any difficulties in their new home, close or neighbourhood.
- Considering sensitive lettings to reduce the potential of neighbour disputes arising, in line with our Allocations Policy.
- Suspending waiting list applications in line with our Allocations Policy.

- Refusing applications for mutual exchange and other tenancy change requests in line with relevant policies.
- Regularly inspecting properties, tenements and local area to ensure compliance with tenancy conditions.
- Working closely with other organisations to address issues that have arisen in the local area before they escalate and become antisocial.
- Monitoring services of Upkeep and liaising closely with Police Scotland

The Association will respond to complaints quickly and efficiently.

Incidents of ASB can be reported in person, by telephone, in writing, via email, text or through a third party to any employee. The initial report of an ASB incident may be reported by:

- The victim;
- A third party, for example a relation, employee, contractor, neighbour or another service user;
- A specialist organisation, for example Police, Social Work Services, Citizen's Advice or Shelter.

Anonymous complaints will also be investigated as it is acknowledged that they are sometimes an indication of fear of reprisal or intimidation.

If a victim or alleged perpetrator of ASB requires an advocate to act on their behalf or help with interpretation, then SHA will contact the relevant organisations for assistance.

Incidents of ASB will be investigated if it is reported that the behaviour has been carried out in a particular property owned or factored by SHA, in the environs of a particular property, or in the neighbourhood where SHA owns properties.

## **16. Categorising Neighbour Nuisance and Anti-social Complaints**

The Association, in consultation with local residents and Committee have developed locally agreed targets for resolving antisocial cases.

To assist staff, tenants and others we will use categories of complaints to by determining how we will respond to complaints of antisocial behaviour and neighbour disputes. These categories allow the Association to continue to improve community reassurance by enforcing messages to tenants and residents of Shettleston that antisocial behaviour will not be tolerated.

## **Complaints Categories**

When complaints are received, staff will categorise on the following basis:-

### **Category A – Very Serious Complaints**

Complaints which concern a conviction for drug dealing, criminal behaviour involving serious incidents of violence or threats of violence towards any member of the public including members of staff, serious assault, serious harassment, racial harassment, incidents of sectarian abuse and serious damage to property, including fire raising.

**Target: Category A complaints will be responded to within 24 hours.**

### **Category B – Serious Complaints**

Complaints which concern aggressive/abusive behaviour, frequent disturbance, vandalism, drug/solvent/alcohol abuse, verbal/written harassment, and frequent and persistent noise and dog fouling.

**Target: Category B complaints will be responded to within 2 days and housing staff will have a target of 3 weeks to investigate and resolve the complaint.**

### **Category C – Nuisance Complaints**

Complaints which concern simple breaches of tenancy conditions such as noise nuisance and neighbour disputes including boundary issues.

**Target: Category C complaints. Housing Staff will respond to Category C complaints within 5 days and aim to investigate and resolve the complaint within 4 weeks.**

## **17. Action to Resolve Complaints**

SHA will provide staff with sufficient guidance and training to attempt to resolve neighbour disputes or antisocial behaviour through a variety of methods.

### **Investigating complaints**

The Association will at all times maintain an impartial stance when dealing with complaints received, with an overall aim for reconciliation between those involved and encouragement for people to live in harmony.

Our actions to investigate may include one or more of the following:

- Correspondence with tenants involved;
- Home visits ;
- Office interviews;
- Requests to the Police for information in relation to specific incidents where they have been involved;
- Requests to CCTV operators to monitor antisocial activity or obtain images relating to particular incidents;
- Offer of sound monitoring device, as advised and currently used by the CRT; and
- Close meetings with residents to resolve neighbour disputes.

In all situations reported SHA will keep the complainant regularly informed of developments.

## **18. Legal Action**

### **Specific measures**

SHA will as far as possible attempt to reach a satisfactory resolution without resorting to enforcement but there will be times when this is not possible. When further action is required the following measures will be considered:

- Issuing a Notice of Proceedings for Recovery of Possession as a warning against continued breach of tenancy.
- Using a Short Scottish Secure Tenancy (Short SST) where applicants have acted in an antisocial manner within the last three years, allowing 12 – 18 months for support services to help address the antisocial behaviour.
- Converting an existing Scottish Secure Tenancy (SST) to a short SST where tenants have acted in an antisocial manner.
- Proceeding to Repossession of Tenancy at the Sheriff Court. This includes 'streamlined' eviction action which entitles RSLs to terminate a Scottish Secure Tenancy and recover the property where a tenant (or someone residing with or visiting them) has been convicted of a criminal offence.
- Application to the Local Authority for an Antisocial Behaviour Order (ASBO) or interim ASBO.
- Use of Interdicts or Specific Implement

### **Reasonableness**

There are a range of factors which will be considered in deciding whether creating a short Scottish Secure tenancy or raising an eviction action is both appropriate and proportionate.

These include:

- Ensuring all reasonable investigations and early intervention activities have taken place;
- Ensuring there is reliable evidence of the antisocial behaviour;
- Considering evidence of the steps taken to manage or resolve the antisocial behaviour; and
- Considering what support may be required to manage or resolve the antisocial behaviour and assist in sustaining the tenancy.

Specific factors which will be considered before taking a decision to seek 'streamlined' eviction where a criminal conviction is in place include:

- the nature and seriousness of the offence, including any recurring nature of convictions or cumulative effect of several incidents, or the potential seriousness of a one off offence;
- who has been convicted of the offence and their connection to the property;
- where the offence was committed and the connection to the social housing tenancy;
- whether and to what extent the offence has affected neighbours or others in the community;
- the impact on neighbours and communities over time and the impact on the stability of the community;
- what action, if any, the person convicted of the offence is taking to make positive change;
- the impact of eviction on household members;

Further guidance on these factors is available in the Scottish Government Statutory Guidance for Social Landlords (May 2019), ['Streamlined Eviction Process – Criminal or Antisocial behaviour'](#).

Specific factors which will be considered before taking a decision to offer a short SST or convert an existing SST to a short SST include:

- Who has behaved antisocially and their connection to the property;

- How long the antisocial behaviour has been going on and the persistence of the behaviour;
- The person affected by the antisocial behaviour and their connection to housing;
- Whether and to what extent the behaviour has affected household members, neighbours or others in the community;
- The impact on neighbours and communities over time and the impact on the stability of the community;
- What action, if any, the person behaving antisocially is taking to make positive change;
- Any issues around the vulnerability of the tenant, members of their household or those directly affected by the antisocial behaviour;
- Other steps which have been taken/which could be taken by the landlord or partner agencies to address the antisocial behaviour.

Further guidance on these factors is available in the Scottish Government Statutory Guidance for Social Landlords (May 2019), '[Short Scottish Secure Tenancies for Antisocial behaviour and Other Miscellaneous Changes to Short Scottish Secure Tenancies](#)'.

## 19. Appeals

Prospective tenants can appeal against any decision to start a tenancy using a short SST, and tenants can appeal against any decision to convert a tenancy to a short SST. Appeals will be heard by the Head of Housing and Communities, or by an equivalent or more senior member of staff.

Tenants also a further have a right of appeal to the courts.

Tenants and prospective tenants will be informed of their right to appeal at all relevant stages of tenancy offer and conversion.

## 20. Involving Other Agencies

SHA is committed to the Scottish Government's framework on partnership working and a multi-agency approach.

We recognise that the Association may require other agencies to assist with resolving neighbour disputes. This may include arranging support for a tenant unable to cope with sustaining a tenancy or asking for assistance with investigating and resolving breaches of conditions of tenancy or antisocial behaviour.

We will liaise with the following agencies in particular in respect of the above:

- Police
- Social Work Service
- Glasgow City Council Environmental Protection Service

In appropriate cases the use of Private Investigators (or Professional Witnesses) and/or surveillance equipment may be used where all other attempts to obtain independent corroboration or complaints or antisocial activity has failed or intimidation of witnesses or complainants prevents action being pursued. This must be authorised by the Housing Manager.

## **21. Neighbour Disputes Involving Owner Occupiers and Sharing Owners**

SHA manages mixed tenure estates of tenants, owners and sharing owners.

Where we receive a complaint from a tenant or resident about a sharing owner, private tenant or owner-occupier we will investigate and work towards a resolution.

We will examine any obligations that a Sharing Owner has in a Title Deed, Feu Disposition, or Occupancy Agreement and consider whether any behaviour or activity is contrary to their obligations as set out in such documents.

In partnership with the CRU, the legal action we take however, will be limited to the options which are relevant to owners or sharing owners such as:

- An application for an Antisocial Behaviour Order
- Issue an Acceptable Behaviour Contract or Unacceptable Behaviour Notice
- Interdict
- Action for Specific Implementation
- Notification to a Lender of a breach of legal obligations.

We will also advise residents where appropriate of the legal options open to them as individuals to pursue.

Complaints from an owner or sharing owner (or any other member of the community) about a tenant will be dealt with in the same way as it if the complainant was another tenant.

## **22. Tenant Engagement and Satisfaction**

In accordance with the Engagement Strategy Policy, SHA aims to deliver the highest quality of housing services and customer care to residents by providing a sensitive and efficient service for tackling antisocial behaviour, to ensure that residents can live peacefully in their homes and maintain sustainable communities.

To do this successfully, SHA is committed to engaging effectively with people who use, or want to use our services, so that

- All of our services are informed by feedback and
- Improvement is driven by tenant/resident expectations

SHA aims to achieve a high level of tenant satisfaction in tackling antisocial behaviour. The Association is committed to offering a range of opportunities to tenants/residents to make it easier for them to be informed of and to provide feedback on our services and their level of satisfaction including:

**HOWDY Cards** - Everyone who has had a repair carried out will be asked to comment on the service they receive by filling in a HOWDY (how well did we do?) card. Service users can provide feedback by completing a HOWDY card online at [www.shettleston.co.uk/survey](http://www.shettleston.co.uk/survey);

**Tenant Satisfaction Surveys** - Every 3 years SHA will commission an external organisation to carry out a formal satisfaction survey;

**Consultation Panel** - SHA has established a Consultation Panel made up of our service users to consult on a variety of issues and services;

**Focus Groups** - These may be formed from our Consultation Panel where it may be necessary to discuss a particular item in more detail;

**Happy to Translate** - SHA is a member of Happy to Translate, a service that helps bridge the gap between people who want to access our services but who may have difficulty communicating in English;

**Complaints** - Anyone can complain if they feel we did not deliver our service to their satisfaction. We aim to handle complaints and comments in accordance with the expectations of the Scottish Public Services Ombudsman (SPSO), and full details of the complaints process are contained within our complaints procedure.

The complaints Procedure can be downloaded from our website at [http://www.shettleston.co.uk/Uploads/2012/12/24/1356345898\\_1739852719\\_complaints leaflet2012.pdf](http://www.shettleston.co.uk/Uploads/2012/12/24/1356345898_1739852719_complaints%20leaflet2012.pdf);

**Online** - SHA publish information about our performance and tenant/resident feedback on our website. The website also provides the facility for tenants to provide feedback on services via the following link: [www.shettleston.co.uk/survey](http://www.shettleston.co.uk/survey).

**Social Media** - SHA has established social media presence to facilitate communication between service users and the Association.

**Newsletters** - SHA publish quarterly newsletters for all tenants and residents. Each newsletter includes feedback section for reporting on feedback received.



**Face to Face Contact** - Tenants and residents can visit our office for pre-arranged interviews and can also call into the office to speak to staff.

**Leaflets** - SHA publish leaflets on individual services. These leaflets are available from our office.

**AGM** - SHA hold an annual general meeting that is open to all members.

**Committee Membership** - Tenants and residents are encouraged to consider standing for election to the Management Committee.

SHA will use the feedback from tenants to ensure continuous improvement in our service to tackle antisocial behaviour. Feedback will be provided on a quarterly basis via our newsletter and on an annual basis via our performance reports

## 23. Performance Monitoring and Reporting

SHA shall maintain internal information systems which are based around our targets for investigating and resolving cases of antisocial behaviour.

The Association will monitor action taken and results achieved to ensure the most effective methods are utilised in addressing issues of antisocial behaviour. Antisocial behaviour will be monitored using both regulatory and local performance indicators (KPI's)

The Social Housing Charter indicators are as follows:-

**Indicator 13:** Percentage of tenants satisfied with the landlord's contribution to the management of the neighbourhood they live in.

**Indicator 15:** Percentage of antisocial behaviour cases reported in the year which were resolved.

Performance indicators and targets on ASB will be set by, and reported regularly to, the Management Committee and The Housing and Community Services Committee. Performance reports will highlight particular trends and issues to allow discussion of issues affecting residents and the community.

Senior staff will be authorised to pursue any appropriate action to resolve cases of anti-social behaviour. The Chief Executive Officer has been given delegated responsibility to pursue the eviction of any tenant for acts of anti-social behaviour.

## 24. Policy Review

This policy will be reviewed every three years unless an earlier review is required due to legislative or regulatory changes.