

Anti-Social Behaviour Policy

1. Purpose

Riverside aims to ensure that all residents enjoy the peace and quiet of their home free from nuisance, annoyance, disturbance, harassment and intimidation. Riverside recognises that anti-social behaviour can have a devastating impact on people's lives and within the scope of its work is fully committed to dealing firmly and fairly with acts of nuisance, anti-social behaviour and crime in the neighbourhoods it manages.

2. Scope

This policy covers any customer or other person who reside or visit a property owned or managed by Riverside Scotland.

Definition

Section 143 of the **Antisocial Behaviour etc. (Scotland) Act 2004** defines antisocial behaviour as a person who,

- (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 is defined as including speech, and a course of conduct must involve conduct on at least two occasions.

Legislation

Housing (Scotland) Act 2001 – introduced the Scottish Secure Tenancy and Short Scottish Secure Tenancy.

Section 2.7 of the Scottish Secure Tenancy stipulates that the property must not be used for illegal or immoral purposes and sections 3.1 to 3.8, *Respect for Others*, provides further detail on the definition of antisocial behaviour and what may constitute a breach of the agreement.

Section 6.3 of the Scottish Secure Tenancy sets out the grounds for the recovery of possession of the property by court order.

Environmental Protection Act 1990 which was updated by the **Public Health etc. (Scotland) Act 2008** – under this legislation, if a local authority (acting through its environmental health department) considers that noise amounts to a statutory nuisance, it can serve a notice and take action against the perpetrator.

Crime and Disorder Act 1998 – introduced a number of measures to tackle crime and disorder, imposing a duty on local authorities and the police to work in partnership to develop crime and disorder reduction strategies.

Criminal Justice (Scotland) Act 2003 – this Act extended the power to apply for an ASBO to Registered Social Landlords and introduced interim ASBOs intended to provide more immediate protection from antisocial behaviour pending the outcome of an application to the court for a full ASBO.

Antisocial Behaviour etc. (Scotland) Act 2004 – this Act extended ASBOs to include 12-15 year olds and introduced the power for a court to grant an ASBO on conviction in a criminal court. It also defines the disclosures and sharing of information that can be made for the purposes of that Act or any other relevant Act.

Data Protection Act 1998 – provides a legal power to share information to prevent or detect crime.

Police, Public Order and Criminal Justice (Scotland) Act 2006 – this introduces the Scottish Police Services Authority and the Scottish Crime and Drug Enforcement Agency. It also makes a number of provisions in relation to public order.

Protection from Harassment Act 1997 - under which perpetrators of harassment can be prosecuted

Equality Act 2010 – supercedes previous anti-discrimination legislation and provides that possession proceedings based on behaviour caused by a disability can be unlawful discrimination.

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 that *‘tenants and other customers live in well-maintained neighbourhoods where they feel safe’*.

Human Rights Act 1998 we will comply with an obligation within this Act.

We will also refer to any relevant statutory guidance and/or guidance issued by the Regulator. Riverside will comply with any new legislation in relation to anti-social behaviour that is introduced whilst this Policy is in effect.

3. Principles

Procedure

Riverside have separate Anti-Social Behaviour procedures that set out the detail and methods of our approach, the support available to victims and how we tackle perpetrators of ASB living in, or visiting, our properties.

Partnership Working

We aim to develop and maintain close, local, working relationships with partner agencies such as the Police, Social Services, Local Authorities and other Registered Providers. We will participate in local information-sharing protocols to share and receive information to prevent or detect crime and anti-social behaviour.

Tackling ASB

When tackling anti-social behaviour, Riverside will strive to;

1. Have in place a robust tenancy agreement clearly outlining our stance on anti-social behaviour.
2. Take all complaints of nuisance and anti-social behaviour seriously and respond promptly in an effective and sensitive manner aiming to resolve issues.
3. Take ownership where action is required to protect owner occupiers or those in other tenures from the actions of our tenants.
4. Work in partnership and effectively signpost where action is required against people in other tenures to protect our tenants.
5. Acknowledge that each case of anti-social behaviour is different and take a harm centred approach to dealing with the issue, tailoring the support offered to victims and witnesses appropriately.
6. Utilise a national standard risk assessment matrix, (recognised by other agencies) applied to any case of ASB irrespective of type or category – where there is an identifiable complainant.
7. Deal with complaints of anti-social behaviour in the strictest confidence and in accordance with its legal and regulatory obligations.
8. Keep complainants informed of developments as appropriate.
9. Consider and where appropriate use intervention measures such as mediation services, referral to agencies such as floating support providers and inter agency partnerships to deliver recreational or diversionary projects, such as school holiday activities.
10. Consider and where appropriate offer support to vulnerable residents and families who are responsible for anti-social behaviour to try and help modify their behaviour.
11. Give due consideration to all requests for moving home from both victims and perpetrators of ASB.
12. Consider, where appropriate, the use of a range of available legal remedies.
13. Use Short Scottish Secure tenancy agreements for new tenants where it is appropriate and legitimate to do so, in accordance with local allocation and lettings plans and this policy.
14. Suspend applicants from obtaining accommodation with Riverside if they or a member of their household have been responsible for acts of anti-social behaviour. (Refer to allocation policies for exclusion guidance)

15. Adopt a preventative approach to minimise the potential for disputes by letting properties in a way that is sensitive to the interests of the local community and ensuring tenants are fully aware of the conditions of their tenancy relating to anti-social behaviour.
16. Record information received by Riverside about violent and abusive behaviour committed by Riverside tenants and residents in accordance with our Data Protection obligations.
17. Where appropriate, publicise the results of major ASB interventions to provide reassurance to customers that it takes swift and decisive action and to deter others from these types of behaviour. Such decisions will be on a case-by-case basis to ensure compliance with relevant legislation and that the publicity is reasonable.
18. Deal with incidents of Hate Crime and Harassment in accordance with a separate Hate Crime and Harassment policy.
19. Riverside do not tolerate any anti-social behaviour towards staff, contractors, and agents. We will look to take enforcement action towards perpetrators to protect our staff, contractors and agents where appropriate.

Safeguarding Responsibilities

We are committed to safeguarding all our customers and children and will take appropriate action when concerns are raised, suspected, or disclosed. When abuse is disclosed, we will be clear about confidentiality and our safeguarding obligations. This policy aligns with Riverside's Safeguarding policies for Adults including Children.

Domestic Abuse

Riverside take cases of domestic abuse seriously: we have a robust domestic abuse policy which outlines our commitment to address cases in our communities.

Data Protection and Information Sharing

Riverside are committed to ensuring customer confidentiality and are fully compliant with the General Data Protection Regulations 2018 (GDPR) around data processing. Riverside is experienced in processing sensitive personal data and has robust procedures in place for the gathering and recording of consent for processing this information and disclosure. Although Riverside will aim to gain consent prior to any information sharing, there may be instances where we have a statutory duty to share information without consent, e.g. where children are at risk. Riverside carries out data-protection impact assessments when processing any personal data and has a data protection lead officer for advice and guidance.

Complaints

Victims and perpetrators of Anti-Social Behaviour can make a complaint to Riverside if they are not satisfied with the way in which their case was dealt with. This is as per our standard complaints policy.

4. Further Information & Support

Domestic Abuse Policy
Modern Slavery Statement
Equality, Diversity and Inclusion Policy
Anti-Social Behaviour Procedure

Safeguarding Children Policy
Safeguarding Vulnerable Adults Policy
Complaints Policy
Data Protection and Privacy Policy
Hate Crime and Harassment Policy and Procedure

5. Roles and Responsibilities

Staff Training and Support

Riverside will ensure that relevant staff are confident in their ability to identify and investigate incidents and reports of ASB by providing appropriate induction and system training, refresher training, updates on relevant legislation and access to relevant external/internal training from our legal partners and other agencies. We will also ensure that all relevant colleagues are aware of this policy, the associated procedure and set out expectations for staff within ASB case management.

6. Risk Thresholds

Strategic Risk references:

R1 – adverse customer experience, R3 Safety First.

7. Equality, Diversity and Inclusion

Riverside is committed to Equality, Diversity & Inclusion. We strive to be fair in our dealings with all people, communities and organisations, taking into account the diverse nature of their culture and background and actively promoting inclusion. This policy aligns with Riverside's [Equality, Diversity and Inclusion Policy](#) and has been subject to an Equality Impact Assessment.

Version	One
Reference	
Total Pages	7
Policy Sponsor	Diana MacLean
Policy Owner	Pamela Forrest
Policy Author	Rajvinder Vine
Date Approved	19/03/2025 (Riverside Scotland Board)
Next Review Date	
Knowledge Tags	

Category of Change	Tick Box
Minor Changes (Non-Strategic)	yes
Major Changes (Re-Write)	
Summary of Changes Made	
<p>Minor changes have been made to the policy since its last revision period in 2015. These include transferring to the new template, alterations to wording to ensure a stricter adherence to safeguarding, particularly concerning children, the introduction of our compliance with the Human Rights Act 1988, a section on domestic abuse and finally the introduction of protecting staff as a key element of the policy.</p>	

Consultation and Approval	Tick Box	Date
Associated Documents Reviewed	yes	13/6/23
TRG - Riverside Consultees -Housing Services – Regional Heads, C&S Head of Compliance , Safeguarding team, Customers – RCVE, Lived experience customers, Domestic Abuse Specialist, Customer Safety specialist team, Customer Safety team leaders, Riverside Legal team RS – Housing Managers and housing team.		
EIA complete and submitted with policy for approval	yes	13/6/23
DPIA complete submitted with policy for approval (if necessary)		