



HOUSING MANAGEMENT
SSST POLICY
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Policy on :	Short Scottish Secure Tenancies
Compliant with Charter :	1: Equalities 2: Communication 6: Estate Management, anti social behavior, neighbour nuisance & tenancy disputes 7/8/9: Housing Options 10: Access to Social Housing 11: Tenancy Sustainment
Compliant with New Regulatory Framework:	Regulatory Standards of Governance and Financial Management: Standard 2 and 6.
Compliant with Community Participation Strategy:	Yes
Compliant with Equal Opportunities : Equality Impact Assessment	Yes Yes
Compliant with Business Plan:	Objective 2: Refine our Customer Service & Support Model Objective 5: Invest in Partnership Working
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Responsible Officer :	Head of Housing

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1.0 Introduction

The Association is committed to ensuring that all of our tenants have a Tenancy Agreement which maximises their rights. In general, tenants will be provided with a Scottish Secure Tenancy (SST); however, there will be certain circumstances where a Short Scottish Secure Tenancy (SSST) will be granted.

This policy should be read along with our Neighbour Relations Policy, which contains details on the definitions and actions that the Association will take in relation to anti-social behaviour.

2.0 Aims & Objectives

The aims and objectives of this policy are to;

- Set out a clear framework for the use of an SSST
- Specify the circumstances when Paisley HA will consider using an SSST
Ensure the use of an SSST is restricted to exceptional cases where individual circumstances justify this course of action
- Ensure tenants and applicants are fully aware of the implications of an SSST
- Prevent homelessness occurring and provide support necessary to sustain tenancies
- Assist in the creation of safe and sustainable communities by tackling anti-social behaviour
- Ensure that consistency is applied and any measure taken is proportionate
- Ensure that consideration is taken of any equalities issues and that action is taken to support where required

3.0 Legislation

The SSST was introduced by the Housing (Scotland) Act 2001; and amended by the Housing (Scotland) Act 2014, as follows;

- Allowing a landlord, without going to court, to give an SSST to a new tenant where that person, or other specified person, has demonstrated the specified antisocial behaviour within the previous 3 years
- Allowing a landlord, without going to court, to convert an SST to an SSST, where an existing tenant or other specified person has demonstrated the specified antisocial behaviour within the previous 3 years
- Setting a new term of 12 months for an SSST given on any of the antisocial behaviour grounds, 18 months in cases where an extension applies – as set out below

- Giving landlords the flexibility to extend a 12-month SSST given on any of the antisocial behaviour grounds for a further 6 months where housing support services are in place and where, for example, sufficient improvement in behaviour has not yet been demonstrated
- Automatic conversion to an SST at the end of the 12-month term for a SSST given on any of the antisocial behaviour grounds, unless the landlord has taken action to extend the tenancy for a further 6 months, or has taken action to repossess the tenancy
- New provisions for cases where a landlord is seeking recovery of possession of a house let under a SSST on any grounds. These include the flexibility for landlords to use the procedures at section 14 of the 2001 Act to take possession action at any stage during the term of the tenancy, providing the tenant with reasons for the landlord taking action under section 36 of that Act (including in antisocial behaviour cases, the obligations of the tenancy which have been broken), and a new right of review for tenants.

There are also considerations that must be taken from:

- Equalities Act 2010
- Human Rights Act 1998

3.1 Equalities and Human Rights – Legislative Requirements

The Association has a duty under the Equalities Act 2010 to act in such a way to support people who may have protected characteristics. Protected characteristics are defined as: age, disability, marriage or civil partnership, sex, gender reassignment, race, religion or belief.

The Association is aware that many of the underlying causes of Anti-Social Behaviour result from areas which may be considered as protected characteristics, such as mental health or addiction. We also recognise that other residents in the community may have areas of their life which are also protected characteristics.

As such this policy has been written in cognisance of these finely balanced considerations to ensure that support is provided in relation to any protected characteristics, where required, to either prevent a SSST being necessary or to allow a SSST to be converted to an SST.

Whilst also recognising the rights of others in the community to a quiet life in their home, as outlined in the Article 8 of the Human Rights Act 1998.

4.0 New Short Scottish Secure Tenancy for Anti-Social Behaviour

In most cases housing applicants and existing tenants are provided with an SST.

In some instances, it is appropriate to provide housing applicants and existing tenants with an SSST in certain circumstances detailed below.

The purpose of the SSST is to provide the housing applicant or existing tenant with support and guidance on how to modify their behaviour and stop repeated acts of antisocial behaviour during the period of the SSST. The granting of an SSST takes away some of their tenancy rights. Before granting an SSST we have a duty to inform the prospective tenant that a short secure tenancy will be granted. The tenant has a right of appeal to the Court. The sheriff may allow the appeal if there are good grounds for doing so.

4.1 The following grounds were contained in the 2001 Act:

- Where a prospective or existing tenant or anyone who would be part of the household is subject to an Antisocial Behaviour Order (ASBO)
- Where a prospective tenant has had an eviction, order granted against them in the previous three years based on antisocial behaviour

4.2 The 2014 Act introduced the following ground:

- That there has been antisocial behaviour within the previous three years
- The initial term will for an SSST will be for 12 months
- The antisocial behaviour does not need to have been the subject of any criminal conviction or other court proceedings

This ground applies to existing tenants and also in relation to new tenancies as follows;

- The prospective tenant
- Any prospective joint tenant
- Any visitor to a house currently occupied by the prospective tenant or by anyone who will be living with them
- Anyone who might be living with the prospective tenant

5.0 Anti-Social Behaviour Definition

For the purposes of this policy the Association will adopt the definition contained within the Antisocial Behaviour etc. (Scotland) Act 2004 i.e. a person engages in antisocial behaviour if “they act in a manner that causes or is likely to cause alarm or distress; or if they pursue 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”

Guidance issued by the Scottish Government indicates that in the above definition ‘conduct’ would include speech; and ‘a course of conduct’ must involve conduct on at least two occasions.

Based on this definition it is evident antisocial behaviour is not restricted or exclusive to a particular type or level of activity and can be divided into 4 categories:

- disregard for community / personal well-being
- acts directed at people
- environmental damage
- misuse of public spaces

6.0 Granting a short Scottish Secure Tenancy

In considering whether to grant an SSST as an alternative to an SST, we will always act reasonably and in accordance with our legal duties taking the following into account when considering whether to convert the tenancy to an SSST;

- who has behaved antisocially and their connection to the property
- the nature, frequency and duration of the antisocial behaviour; the effect and impact that the antisocial behaviour is having on any other person (including their connection to the property), neighbours and the community over the period of time
- what action has been taken to date by PHA or any partner agencies. This should include any rehabilitative processes undertaken, with the view to securing a positive change or the cessation of that conduct
- whether a court order has been breached and whether there are any convictions in that respect
- any individual or household vulnerabilities and the expected support needs of those persons based upon any evidence held
- any support that will be required to the tenant, to allow the tenancy to be converted to an SST
- any other relevant factors in the individual circumstances of each case

As there is no requirement for the anti social behaviour to have resulted in court action the Association will only use this ground to offer a new tenant an SSST or convert a tenant's SST to an SSST where there is evidence of serious anti social behaviour such as:

- Acting in a threatening and abusive manner
- Serious vandalism or damage to property
- Use of the property for illegal or immoral purposes including drug dealing
- Use of offensive weapons
- Serious noise nuisance

The Association could also use this ground where there is persistent breaches of tenancy relating to the management of the property which has a serious impact on the community.

Prior to considering converting an existing SST to an SSST based on the above the Association will have exhausted its procedures for anti social behaviour/the management of the property. The Association will also have considered as part of this what support has been provided or will be required, to allow the tenancy to be converted back to an SST.

The HM will be responsible for assessing the evidence supporting a SSST and authorising where appropriate.

6.1 Issuing a SSST to a new tenant

The Association operates the Renfrewshire Common Housing Allocations Policy which specifies the circumstances where an SSST will be offered.

The Association also assists the Council in discharging its duty for homelessness. The 2014 Act amended the list of accommodation which is considered to be permanent to include an SSST which is granted on anti social behaviour grounds. The Association will therefore accept Section 5 referrals and grant an SSST where appropriate and as such assist the Council discharge its homelessness duty.

To create an SSST, the Association will arrange to serve a notice (S34 Notice of Creation) on the prospective tenant. This informs the prospective tenant that the tenancy being offered is a SSST and specifies which SSST applies. The notice will specify the term of the tenancy which will be for at least 12 months in the first instance.

To be valid the notice must be served before the creation of the tenancy agreement. The notice will be posted / emailed to the prospective tenant's current known address or handed to the prospective tenant at least one day before the SSST is signed. A copy of the notice will be scanned and retained in the property file for the tenancy.

When a new tenant signs a SSST and the Association later converts this to an SST the tenant will be required to sign an SST.

6.2 Converting a tenant's SST to an SSST granted on any anti social grounds

Where we have exhausted our procedures for anti social behaviour and the criteria detailed above applies, we will convert the tenant's SST to an SSST by serving a notice on the tenant. There is no statutory notice form for conversions. The Association will include within its conversion notice the following;

- Confirmation that the existing SST will convert to an SSST as a result of the notice being served
- The name of the tenant or other person if an ASBO exists and if there isn't one the name of the tenant or other person, the anti social behaviour and our reasons for the service of the notice
- Set out the tenant's right of appeal both internally and to the courts

The converted tenancy will run for 12 months from the date the conversion is served. There is no requirement for the tenant to sign a new tenancy on conversion and if the tenancy reverts to an SST the tenant will continue with their original tenancy.

When considering converting a tenancy to an SSST the Association will consider the support required and determine the tenant's likelihood of engagement with it. The Association can make the offer of an SSST conditional on support being accepted.

In certain circumstances the Association would not pursue the conversion of the SST to an SSST but seek repossession for Anti Social Behaviour. Examples of this includes where there is evidence of drug dealing or a hate crime.

6.3 Extending an SSST

The Association can extend an SSST on any of the anti social behaviour grounds for a further 6 months by serving a notice of extension 2 months before the end of the SSST. In order to do this, the tenant needs to be in receipt of housing support services.

The Association will monitor an SSST granted on anti social behaviour grounds at 9 months to ensure all the information is available to determine if an extension is appropriate. The HM will authorise extensions as appropriate.

There is no statutory notice form for extensions. The Association will use its own notice stating the extension is under section 10 of the 2014 Act and will detail the reasons for its decision to extend the SSST by another 6 months. The Association can only apply an extension once.

Where the Association is not extending the SSST granted on any of the anti social behaviour grounds and does not take steps to recover possession the SSST, it will at the end of the 12 months revert to an SST.

Other SSSTs can continue by tacit relocation.

6.4 Notice of Proceedings

The Association can serve a Notice of Proceedings to put the conversion from an SSST to an SST on hold; the tenancy will remain an SSST until the proceedings following on from the Notice are completed. This may apply at either the end of the 12 or 18 month term of the tenancy.

For SSSTs granted on any of the anti social behaviour grounds the Association can seek to recover possession using either Section 36 of the 2001 Act or Section 14

- Section 36 does not require the Association to establish a particular ground in order to recover possession of the property, nor does it require reasonableness to be considered but it does require 2 months notice to be given
- Section 14 (antisocial behaviour only) does give the court discretion but only requires 4 weeks notice

All tenants with SSSTs can request, within 14 days of being served with the Notice of Proceedings, that the Association reviews its decision to take court action. The Association will respond to these requests within 14 days and at least 2 days prior to the date of any intended eviction process. The outcome will be to either confirm seeking repossession of the property or withdrawing the notice. Where it is proceeding we will provide the tenant with reasons.

The outcome of proceedings will either be the court granting decree to end the tenancy or not granting an eviction decree with the tenancy reverting to an SST from the date the

appeals period expires or the end of the 12 month or 18 month period, whichever is the later.

6.5 Tenancy Support Service

The Association operates a Tenancy Support Service which can assist tenants in dealing with issues which may affect their ability to maintain a tenancy. Where a SSST is granted, or where a tenant may be at risk of having an SST converted to a SSST, the Association will consider a referral to this service.

The Tenancy support service will conduct a support assessment of what support is required to allow the tenant to maintain their tenancy and will provide support in accessing these services. This includes support in accessing essential services such as Social Work, Addiction support, Advocacy services, Health and Social Care. Participation with the Tenancy Support service is usually voluntary, but this may be a condition of the tenancy being converted to an SST. If a tenant does not wish to engage with our Tenancy Support service, or where this service is not appropriate, the Association will consider what external Housing Support services may be appropriate.

Procedures for management of cases are provided in the Advice Team Policy and Procedures.

6.6 External Housing Support Services

Where an SSST has been granted on anti-social grounds the Association will, make housing support services available, by making a referral to an appropriate agency/ Social Work, to assist the tenant maintain their tenancy and eventually convert it to a SST. The tenant doesn't have to accept/ engage with support but this may be a condition of the tenancy being converted to a SST. The kind of support that could be offered includes counselling for debt, addiction, mental health issues.

The tenant will be asked to complete a mandate authorising the Association to liaise with housing support providers over tenancy issues. The mandate will be scanned and saved into the tenancy folder.

6.7 Refusal of Tenancy Support and external Housing Support services

Where a tenant refuses to engage with our Tenancy Support service or external housing support, the HM will decide whether to offer the SSST on the basis that the behaviour will improve without support, or whether acceptance of support is a condition of the offer of an SSST. The HM will have discretion to determine what is appropriate in individual circumstances.

7.0 Monitoring

A register of SSSTs granted will be maintained detailing;

- Name & address of the tenant involved
- Ground and reasons for granting the tenancy
- SSST start and end dates
- Tenancy Support required and by whom it is to be provided

8.0 Data Protection

When implementing the policies and procedures of Paisley Housing Association all staff and Board members must adhere to and be aware of the requirements of the Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/679 (“the GDPR”).

In situations where there may be any doubt about the requirements of the above, the Association may seek the views of its legal advisors.

9.0 Equality and Diversity

We are committed to preventing discrimination and providing equal opportunities for everyone. In applying this policy we will not discriminate against any individual, household or group on grounds of race, gender, sex, marital status/civil partnership, gender reassignment, sexual orientation, pregnancy or maternity, religion or belief, language, social origin, disability, age or any other personal attribute.

We will make this policy available in alternative formats such as large print or Braille on request. Translation services for other languages can also be made available and where practical we will arrange for an interpreter if you speak a language other than English. See our Equalities and Diversity Policy.

An EIA was considered by Alan Graham in September 2024, we are satisfied that this policy does not have any obvious negative impact on protected groups but will be reviewed in September 2029

10.0 Board & Staff Responsibilities

The Board is responsible for approving the Policy.

The Head of Housing is responsible for;

- Reviewing this policy in line with any changes to legislation
- Ensuring our partnerships are working
- Gathering performance information for the annual return to SHR
- Identifying any risk to the Association through addressing ASB

The Housing Manager is responsible for;

- Approving conversion of SST to SSST where appropriate
- Ensuring procedures are being followed and identifying any performance issues

Housing Officers are responsible for;

- Applying this Policy & carrying out internal procedures

Tenancy Support Officer is responsible for;

- Providing a support assessment of any support required to either prevent a tenancy being converted to a SSST or;
- Any support that may be needed to allow a SSST to be converted to an SST
- Liaison with the Housing Officers and Housing Manager to confirm progress of case
- Liaison with any support agencies to keep records of engagement with these services
- Maintaining up to date case notes of any action taken/required to support the above.

11.0 Complaints

The Association aims to ensure that the service provided to residents is of the highest quality. If this is not the case, a Complaints Policy and Procedure is in place to allow all residents or affected parties to state their grievance. The Scottish Public Services Ombudsman is the final stage of this process.

12.0 Policy Review

This policy will be reviewed in full by the Association every 5 years. Amendments to the policy will be made in the interim to respond to any changes in legislation and to reflect any changes in any of the Association's related strategies, policies and procedures.