



ANTI-SOCIAL BEHAVIOUR AND NEIGHBOUR NUISANCE POLICY

POLICY NO. 17

Date Reviewed:	May 2025
Date of Next Review:	May 2030
Regulatory Standards of Governance and Financial Management	Regulatory Standard 2 The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities. Guidance: 2.4 Regulatory Standard 5 The RSL conducts its affairs with honesty and integrity Guidance: 5.3

1. INTRODUCTION

The Association is committed to tackling the problems of neighbour nuisance and anti-social behaviour within the vicinity of its stock. Where appropriate, we will work in partnership with others to resolve such issues. The Policy for how we will deal with this is set out below.

2. THE ASSOCIATION'S DEFINITION OF ANTI-SOCIAL BEHAVIOUR

The definition of anti-social behaviour is not straightforward, as what constitutes a nuisance or annoyance to one person may be of little concern to another. However, the Scottish Secure Tenancy Agreement defines anti-social as "causing or likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to anyone's property".

3. THE TENANCY AGREEMENT

The Association's Tenancy Agreement clarifies at Clauses 3.1, 3.2 and 3.3, the sort of conduct that the Association considers to be a "nuisance and annoyance".

4. SCOTTISH SOCIAL HOUSING CHARTER

The Scottish Government introduced the Scottish Social Housing Charter (The Charter) in April 2012, and it supports the Government's long-term goal of creating a safer and stronger Scotland, and improving the quality and value of services provided by Registered Social Landlords (RSLs)

The Charter clearly defines the standards and outcomes that all social landlords should strive for when carrying out their housing activities, as well as assisting tenants and other stakeholders in holding landlords accountable.

There are 16 Standards and Outcomes in the Charter that are reported on as part of the Annual Return on the Charter (ARC). The following Outcome in particular, relates to Anti-Social Behaviour and as such, the Association specifically aims to achieve this.

- Outcome 6:

Estate management – tenants and 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 also 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;

However, in the best interests of our tenants and customers, the Association also aims to achieve the following Charter Outcomes in implementing this Policy:

- Outcome 1:
Equalities – Every tenant and customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.
- Outcome 2:
Communication – Tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.
- Outcome 3:
Participation - Tenants and customers find it easy to participate in and influence their landlord's decision at a level they feel comfortable with.
- Outcome 11:
Tenancy Sustainment - 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.
- Outcome 13:
Value for money – tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay.

5. LEGISLATIVE FRAMEWORK

The list of various Acts passed through parliament that provides civil and criminal remedies against those perpetrating anti-social behaviour is extensive. In considering what action should be taken the Association will consider which, if any, of these have been breached and what is the best course of action. Legal advice will ascertain whether it is reasonable to proceed with legal action against a tenant and determine which course of action is the most appropriate in each individual case.

6. HOUSING ALLOCATIONS & ANTI-SOCIAL BEHAVIOUR

It is accepted by the Association that allocation policy and practice can be a contributory factor in helping reduce the incidents of anti-social behaviour in the future. Due consideration will be given to the existing social mix and family compositions prior to any allocation. The Association's Allocations Policy details the circumstances in which sensitive lettings may be used to create and maintain sustainable tenancies.

In addition, the Association will consider civil liberties and equal opportunities when considering on what basis it can refuse to house or re-house somebody where there is reasonable cause to assume that serious problems would be caused to other tenants as a result.

6. HOUSING ALLOCATIONS & ANTI-SOCIAL BEHAVIOUR (Continued)

For the Association to refuse to make an allocation to someone who has perpetrated anti-social behaviour, the behaviour would normally have to have been:

- Serious in nature, i.e. more serious breaches of the tenancy agreement.
- Evidenced by an official source, e.g. Association staff, staff of a current or recent, previous landlord, Police or other relevant agencies, i.e. no-one will be refused housing on the basis of rumour or totally unsubstantiated evidence.
- Relatively recent (within the last 3 years).

An allocation **may** be refused in this respect when the Association can evidence it is reasonable to do so. Furthermore, applicants refused housing because of anti-social behaviour will be told this is the reason and, in common with other applicants, will have access to the Association's appeals mechanism.

Alternatively, the Association may offer a Short Scottish Secure Tenancy with a suitable support package.

Under the Association's Allocation Policy, every applicant will receive a home visit where practical, prior to the offer of a tenancy. The object of this procedure is to confirm the application details and determine if additional support may be required. However, attention will also be drawn to the Association's Policy on Anti-Social Behaviour and Neighbour Nuisance at this stage.

7. THE ROLE OF OTHER ORGANISATIONS

The Association is committed to working alongside other agencies within the Fife Community Safety Partnership such as Mediation Services, Environmental Health, Housing and Social Work Departments and the Police to resolve issues of alleged anti-social behaviour and neighbour nuisance.

In particular, the powers of the Police to deal with nuisance and anti-social behaviour often exceeds that of the Association and we have established clear links with the local Police, by means of a Protocol Agreement, to ensure we are working together to deal with any problems arising.

8. PROCEDURE FOR DEALING WITH DISPUTES & COMPLAINTS

Whether received in writing, by telephone or in person, all complaints are recorded by the Association. Anonymous complaints, although more difficult to deal with, will not be overlooked and efforts will be made by staff to substantiate the validity of any complaint.

8. PROCEDURE FOR DEALING WITH DISPUTES & COMPLAINTS (Continued)

This Policy's definition of Anti-social Behaviour encompasses a wide spectrum of behaviour. Complaints will normally fall into one of the following categories:

Category A: Very Serious Complaints – Extreme behaviour of a very serious anti-social nature. This can include violence, unprovoked attack, drug dealing, harassment, use or carrying of offensive weapons. In this type of complaint, action will be taken within 24 hours.

Category B: Serious Complaints – Complaints which indicate serious anti-social behaviour. This can include excessive noise, frequent disturbances, vandalism to Association property, threatening abusive behaviour, frequent verbal abuse and harassing behaviour. In this type of complaint, action will be taken within 2 days.

Category C: Relatively Minor Complaints – Nuisance cases which clearly breach the tenancy conditions but are of a relatively minor nature. This can include family disputes affecting neighbours, stair cleaning, dog/pet control, behaviour of children, garden upkeep, occasional noise, mild verbal harassment. In this type of complaint, action will be taken within 7 days.

The Association will aim to resolve all anti-social behaviour complaints as quickly as possible but acknowledges that resolution is not always straightforward and may involve a number of steps. In consultation with our tenants, the Association has agreed the following timescales for resolving complaints.

Category	Examples of resolutions	Closed After
Category A – Very Serious Complaints	• Legal Action (serve a Notice) • Anti-Social Behaviour Orders • Refer to Police • Refer to Social Work or other Agencies • Refer to Housing Investigation Team (Fife Council)	3 Months (If legal action commenced or no further complaints)

8. PROCEDURE FOR DEALING WITH DISPUTES & COMPLAINTS (Continued)

Category	Examples of resolutions	Closed After
Category B – Serious Complaints	• Verbal Warning • Written Warning • Final Warning • Refer to Mediation • Refer to Police • Refer to Social Work or other Agency • Refer to Housing Investigation Team (Fife Council)	30 Working Days (If Warning issued and/ or no further complaints)
Category C – Relatively Minor Complaints	• Discuss with perpetrator • Discuss with complainer • Visits by Housing Officers • Letter(s) to perpetrators • Refer to Mediation • Refer to Police • Refer to Social Work or other Agency	20 Working Days (If no further complaints)

All members of staff are responsible for taking initial complaints of an anti-social nature. However, it will normally be a Housing Officer who follows up the complaint and takes responsibility for ongoing liaison with the complainant and informing them of the timescales for dealing with their complaint. They will monitor and record events as they are reported. All notes will be recorded and kept in the tenant files at all times.

When dealing with complaints of alleged harassment the Housing Officer will have regard to the Association's Hate Incidents and Hate Harassment Policy

In the case of a complaint fitting into Category A or B, the Housing Manager may wish to jointly interview the parties involved with a Housing Officer.

9. MEDIATION

Many neighbour disputes relate to minor complaints or basic clashes of lifestyle. These may be particularly difficult for the Association to get involved in, or to take action against either of the parties involved. This may also be the case where there is no corroboratory evidence relating to a complaint.

9. MEDIATION (Continued)

In such instances, the Association will offer to both parties, a referral to Fife Community Safety Support Service's - Community Mediation Service, who if engaged, will attempt to reach an agreement acceptable to all parties before the situation escalates into a major problem.

10. LEGAL ACTION

Legal action will be considered if all attempts by the Association fail, and the anti-social behaviour is serious and persistent. Legal advice will ascertain whether it is reasonable to proceed with legal action against a tenant and determine which course of action is the most appropriate in each individual case.

It is important to know if the complainant is willing to pursue the case this far and if they will be a witness. All appropriate paperwork must be completed, including reports of the complaints and corroboration. A formal warning, in writing, must have been given.

Where applicable, the Association may apply for an Anti-Social Behaviour Order (ASBO) under the terms of the Anti-Social Behaviour etc (Scotland) Act 2004. Dependant upon the type of behaviour being perpetrated it may be more relevant to pursue other legal remedies such as recovery of possession of the property, either through the normal process or the streamlined eviction process for criminal or anti-social behaviour within the Housing Scotland Act 2014.

Compulsory transfers will be considered in cases where, in the opinion of the Housing Manager, this would be the most effective action.

The Association will explain why any such course of action is being pursued.

11. MONITORING

Anti-Social Behaviour and Neighbour Nuisance cases that are of a serious and persistent nature (Categories A & B), will be monitored in terms of numbers, types, action taken and outcome. This will be reported to the Board of Management annually in the Association's Annual Return on the Charter (ARC) which is also submitted to the Scottish Government.

12. COMPLAINTS

As per our Complaints Handling Procedure, Glen Housing Association is committed to providing high-quality customer services. However, if anyone does wish to raise a complaint, this can be done in person at any of our offices, by telephone, in writing, by email or using our complaints form on www.glenhousing.co.uk

13. OUR COMMITMENT TO EQUALITY & DIVERSITY

Glen Housing Association is committed to promoting fair and equal treatment for all and is opposed to any form of unlawful discrimination. We operate an Equality & Diversity Policy which informs all aspects of our business and ensures we adhere to the Equality Act 2010.

In line with our commitment and upon request, the Association can make this Policy available, free of charge, in a variety of alternative formats including large print, audio, Braille and community languages.

14. GENERAL DATA PROTECTION REGULATIONS

The Association will treat all personal data in line with its obligations under the current data protection regulations and its own Privacy Policy. Information regarding how personal data will be used and the basis for processing it is provided in the Association's Fair Processing Notice.

15. POLICY REVIEW

The Board of Management has agreed that this Policy will be reviewed 5 yearly to ensure that the aims of the policy are being achieved.