

Southside

HOUSING ASSOCIATION

Anti-Social Behaviour Policy

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1. POLICY PURPOSE

- 1.1 This Policy describes how Southside Housing Association (SHA) will seek to resolve complaints made to us about anti-social behaviour and the conduct of neighbours. This includes all forms of harassment and Hate Crimes.
- 1.2 The Policy is supported by detailed working procedures used by SHA officers.

2. POLICY STATEMENT

- 2.1 SHA is determined that our tenants and other residents should be able to live safely and peacefully in their homes and neighbourhoods without disturbance, harassment, nuisance or fear. We will not tolerate any form of anti-social behaviour by SHA tenants, members of their household and visitors to their home. We will take firm action to stop such behaviour for the benefit of tenants, other residents and SHA neighbourhoods.
- 2.2 We apply the same principles to how our staff, contractors and agents are treated when they are carrying out their duties. While the overwhelming majority of contact is respectful, we will not tolerate behaviour by customers that is aggressive, abusive, threatening or discriminatory. We have a Policy on Unacceptable Actions that describes how we will manage any such situations.

3. POLICY OBJECTIVES

- 3.1 The objectives of the Anti-Social Behaviour Policy are as follows:

- To maintain SHA neighbourhoods as safe and sustainable places to live.
- To take a joined-up approach that uses our tenancy, neighbourhood management, community support and development functions to help prevent and address antisocial behaviour.
- To help stop anti-social behaviour happening and to achieve early resolution of problems where possible.
- To support victims and use the legal and other powers available to us to stop antisocial behaviour where necessary.
- To work closely with partner organisations, so that the resources, expertise and powers available to all parties can be used collaboratively to stop antisocial behaviour.

- 3.2 Partnership working is key. SHA can resolve some types of problems directly by enforcing tenancy conditions or taking action on estate management issues. However, tackling other types of anti-social behaviour often depends on partner organisations applying their powers and expertise, sometimes with the assistance of SHA. Accordingly, SHA will maintain close working relationships with:
- Glasgow City Council's Community Relations Unit, particularly on serious anti-social behaviour cases
 - Police Scotland, where suspected criminality is involved

- Glasgow City Council, on environmental issues falling within the Council's responsibilities, and on enforcement of the Council's licensing and regulatory powers, for example in relation to privately rented properties in SHA neighbourhoods.

4. DEFINITION OF ANTI-SOCIAL/NUISANCE BEHAVIOUR

- 4.1 Anti-Social behaviour can be a complex issue. Often what feels like a nuisance to some can have a very negative impact on others. The general range and scope of anti-social behaviour can range from relatively minor disputes involving noise and lifestyle clashes to serious and extreme cases including drug dealing and serious harassment.
- 4.2 The definition of what constitutes 'anti-social behaviour' is based upon what is viewed as reasonable and unreasonable, and this in turn requires a judgement to be made. The types of behaviour viewed as anti-social are likely to include:

- Drug dealing;
- Harassment;
- Racism;
- Sectarianism;
- Violence or threat of violence;
- People gathering and causing a disturbance;
- Excessive noise;
- Failing to control pets;
- Failing to keep the communal areas clean and tidy (i.e. stairs, closes, back courts, bin areas etc).
- Failing to comply with instructions on the storage of rubbish/recycling goods and the storage and collection of rubbish/recycling bins; and
- Any other anti-social behaviour that Southside Housing Association reasonable defines as being unacceptable.

5. LEGAL AND REGULATORY REQUIREMENTS

Section summary

This section affirms that SHA will comply with all current legislative and regulatory requirements, and briefly describes the main powers and obligations that relate to anti-social behaviour. It also commits SHA to meeting wider legal obligations, for example in relation to equality, human rights and data protection.

- 3.3 In implementing this Policy, SHA will comply with all current legislative and regulatory requirements in force at any given time.
- 3.4 This section of the Policy gives an overview of current anti-social behaviour and housing legislation, with a description of other relevant legislation provided at **Appendix 1**.

Anti-social Behaviour Legislation and Policy

- 3.5 The Anti-Social Behaviour Etc. (Scotland) Act 2004 defines anti-social behaviour as

follows:

“A person engages in anti-social behaviour if the person (a) acts in a manner that causes or is likely to cause alarm, distress, nuisance or annoyance; or (b) pursues a course of conduct that causes or is likely to cause alarm, distress, nuisance or annoyance, to a person residing in, visiting or otherwise engaging in lawful activity at, or in the locality of, a relevant house”.

“**Conduct**” includes speech and “a course of conduct” means conduct that has taken place on at least two occasions.

“**Alarm**” involves fear or apprehension of danger.

“**Distress**” involves some form of suffering. It goes beyond upset, or annoyance, or irritation or inconvenience.

3.6 Section 12 of the 2004 Act describes the powers and potential remedies that are available under the Act: These include:

- Anti-Social Behaviour Orders (ASBOs)
- Dispersal of groups powers
- Closure of premises powers
- Noise – powers for Police and local authority to issue fixed penalty notices, to seize noise equipment and to establish 24/7 noise nuisance services
- Fixed penalty notices.

3.7 The Police, local authorities and the courts exercise most of these powers, often with the support of social landlords (for example, through local partnership working or by providing information or intelligence).

3.8 Scottish Government policy recommends that wider measures should be used alongside the legal remedies in the 2004 Act. These measures include work on prevention and early intervention; sharing of resources and information across agencies; community engagement and communication with communities.

Housing Legislation

3.9 Housing legislation provides social landlords with powers that they can exercise directly. The main sources of legislation are the Housing (Scotland) Acts 2001 and 2014.

3.10 The Housing (Scotland) Act 2001

- Introduced the Scottish Secure Tenancy (SST) and the Short Scottish Secure Tenancy (Short SST).
 - The Model SST Agreement sets out the responsibilities of tenants in relation to the conduct of their tenancy and antisocial behaviour.
 - The Act allows tenancy rights to be demoted to a short SST in certain circumstances involving anti-social behaviour or the granting of an ASBO.

- Sets out the statutory grounds on which the court may order recovery of possession of a property as a result of anti-social behaviour on the part of a tenant, a member of their household or anyone visiting the property. These grounds include:
 - Acting in an anti-social manner in relation to a person residing in, visiting or otherwise engaged in lawful activity in the locality.
 - Pursuing a course of conduct amounting to harassment or anti-social conduct towards such a person.
 - A conviction for a) using the house or allowing it to be used for immoral or illegal purposes, or b) an offence punishable by imprisonment committed in, or in the locality of, the house.

3.11 **The Housing (Scotland) Act 2014** introduced new statutory provisions relating to anti-social behaviour, mainly by amending certain aspects of the short SST. The new provisions came into force on 1 May 2019, and they include the following:¹

- **A simplified eviction process for serious anti-social behaviour**, if a tenant with a Scottish Secure Tenancy or Short SSST has been convicted in the last 12 months of serious criminal or anti-social behaviour in and around social housing that has a serious impact on others, for example neighbours.
 - This makes the process of eviction easier, since the court is not required to consider whether it is “reasonable” to make an order for eviction on this ground.
 - Instead, the court will be required to grant the eviction order if the landlord has served the Notice of Proceedings within twelve months of the date of the conviction (or within twelve months of the conclusion of an unsuccessful appeal against the conviction).
- **Revised arrangements for using short SSTs**, for existing and new tenants:
 - A Short SST can be given for a wider range of anti-social behaviour and harassment towards someone in the area than was previously the case.
 - An existing SST can be converted to a Short SST, without a court order being obtained.
 - Landlords must have a clear and well-publicised internal review mechanism in place, if new tenants are dissatisfied with being offered a Short SST or with having an existing SST converted to a Short SST. In both cases, tenants also have a right of appeal to the courts.
 - The length of a Short SST in cases involving antisocial behaviour has been increased from six months to a minimum of 12 months and up to 18 months if anti-social behaviour issues persist.
 - The requirement for there to have been a previous eviction for anti-social behaviour will no longer apply – other types of evidence will now suffice.

¹ This is a summary of the contents of the 2014 Act. Detailed information is found in the 2014 Act itself, and in related statutory guidance documents published by the Scottish Government

- The landlord must give the tenant reasons for converting their tenancy to a short SST and the tenant will have the right to appeal to the court.
- During the initial 12-month period of the Short SST, the landlord must provide, or ensure the provision of, appropriate housing support services.
- For any Short SST for anti-social behaviour, the tenancy will convert automatically to a full SST at the end of the 12 or 18 month period if the landlord has not taken action to end the tenancy.
- Landlords seeking to evict a tenant with a short SST because of anti-social behaviour must specify the breach of tenancy conditions in the Notice of Proceedings. Landlords must also advise the tenant of their right to request a review of the decision and complete any review within 14 days, before the case goes to court.
- The court must make a repossession order where the landlord is ending a Short SST.

Scottish Social Housing Charter (the Charter) and Related Regulatory Requirements

3.12 SHA will meet the Charter across all of our service areas, including anti-social behaviour. We will report annually to both SHA tenants and the Scottish Housing Regulator on our performance in meeting the Charter.

3.13 The Charter outcomes that are most relevant to anti-social behaviour are as follows:

- **Charter Outcome 6:** Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes
- **Charter Outcome 11:** Tenancy Sustainment
- **Charter outcomes 1, 2 and 3:** Equalities, communication and participation
- **Charter outcome 14:** Providing tenants and other customers with value for money for the services they receive.

3.14 The Scottish Housing Regulator is responsible for determining whether social landlords are complying with the Charter. Most of the Regulator's activities in this regard involve collecting and publishing information about Charter Indicators. The Regulator also has statutory powers to request information and conduct inquiries, if it considers that a social landlord is failing to achieve satisfactory performance in relation to the Charter.

6. EQUALITY AND DIVERSITY

Section summary

We want equality and fairness to be central to how we deliver our services to our diverse communities. SHA recognises our obligations under the Equality Act 2010 to eliminate unlawful discrimination and harassment, advance equality of opportunity, and to promote good relations between all sections of our communities. Beyond meeting our legal duties, we also recognise that promoting equality and fairness is simply the right thing to do. We want SHA to be recognised as an open and welcoming place for all.

In relation to this Policy, SHA will give particular importance to dealing firmly with all forms of harassment and hate crimes; preserving the safety of those who make serious complaints and whose safety may be in jeopardy; and making sure that we act on evidence rather than hearsay when we investigate complaints.

3.15 In applying this Policy, SHA will comply with the Equality Act 2010. The Act makes it unlawful to discriminate against, harass or victimise a person because they have one or more of the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

3.16 SHA has set specific equality and diversity standards, as stated in our Policy on Equality and Diversity. These standards apply to all of our services, including antisocial behaviour. In dealing with anti-social behaviour, SHA will:

- Deal firmly with allegations of harassment, and offer advice and assistance on rehousing in the most serious cases.
- Remove racist, sectarian or offensive graffiti on our property within 24 hours, and advise GCC's Graffiti Removal Service of any such graffiti on Council or private property.
- Make sure we do not disclose the identity of people who make complaints about anti-social behaviour, without the complainer's agreement.
- Take account of a complainer's fear of reprisals in our approach to investigation.
- Support tenants who may be vulnerable or less able to understand the process of investigation and subsequent action.
- Make sure our investigations are objective and that we act on evidence rather than hearsay, since it is possible that some complaints may be malicious.
- Make language and communication assistance available to customers who need this. For example, by providing help to people with sight, hearing, cognitive or learning difficulties, or those who find it difficult speaking or understanding English.

Human Rights

5.3 The Human Rights Act 1998 specifies that every individual has the right to own and enjoy the ownership of property; the right to respect for private life; the right to respect for family life; and the right to respect for their home. The Act provides protection against discrimination with regard to any of these rights and could affect many of the housing and other services that SHA provides, including those outlined within the Anti-Social Behaviour Policy.

7. ROLES AND KEY PARTNERS

Section summary

This section described the main responsibilities of SHA's Estates Team in dealing with neighbour complaints and anti-social behaviour, as well as the role of key partners such as Police Scotland and Glasgow City Council (the Community Relations Unit and other relevant GCC services). It also describes the various ways in which SHA will seek to support victims of anti-social behaviour.

SHA's Responsibilities

3.17 SHA's Estates Team is responsible for managing all aspects of neighbour relations and anti-social behaviour. The Team's main responsibilities are:

- To record, investigate and take action on reports of anti-social behaviour in accordance with this Policy and joint SHA/Community Relations Unit (CRU) procedures.
- To work with partners to help resolve anti-social behaviour in our neighbourhoods, including cross-tenure issues that impact on SHA tenants and the wider community.
- To provide advice and support to victims and witnesses of anti-social behaviour.
- To engage with perpetrators to address their behaviour.
- To assist victims with taking their case to the Police or other appropriate agencies, if a criminal offence may have been committed.
- To instruct court action to recover possession of a tenancy, or to convert a perpetrator's tenancy to a short Scottish Secure Tenancy without going to court. Both types of actions are subject to approval by the Head of Housing Services.

Support for Victims

3.18 SHA will take the following actions to support victims:

- Provide clear information about how complaints are dealt with.
- Provide advice on support agencies and make referrals where appropriate.
- Keep the Complainer fully informed of progress.
- Respect confidentiality and show sensitivity in dealing with the complaint.
- Make sure we do not disclose the Complainer's identity to the alleged perpetrator or a third party without their agreement.
- Make sure the complaint has been managed to the resolution stage.

3.19 In cases involving legal proceedings, SHA recognises that a Complainer or witnesses may be reluctant to give evidence because of fear of reprisals. SHA may consider the use of professional witnesses or private investigators in these circumstances, or as a way of gathering additional evidence to substantiate a complaint.

Police Scotland

- 3.20 SHA will work closely with Community Inspectors and their teams, for example through Problem Solving Teams and joint initiatives at neighbourhood level. SHA may also act as an advocate for our communities, to influence local policing priorities and use of resources.

Glasgow City Council Community Relations Unit (CRU)

- 3.21 The CRU's remit includes improving community safety and reducing offending and anti-social behaviour. SHA has a Gold Service Level Agreement with CRU, which means that CRU provides us with expert support in managing anti-social behaviour, including a specialist Noise Team and mediation services.
- 3.22 CRU will provide SHA officers with any advice and support needed during initial investigations and actions, although very serious complaints may be discussed and referred to CRU for action at an earlier stage.
- 3.23 SHA will also refer anti-social behaviour cases to CRU if a perpetrator fails to make the required changes to their behaviour, generally after SHA has issued two tenancy warnings. After referral to CRU, SHA will continue to provide any assistance needed by supplying information, reports etc, attending interviews, meetings and joint discussions; and participating in court proceedings where appropriate.

Other Glasgow City Council Services

- 3.24 The City Council's role in addressing anti-social behaviour also covers:
- Refuse, environmental protection and environmental health matters
 - The enforcement of legislation on anti-social behaviour in the private rented sector
 - Dealing with concerns about the protection of children or vulnerable adults that may become apparent during investigations into anti-social behaviour.

Working with the Local Community

- 3.25 SHA may seek to resolve or reduce anti-social behaviour at neighbourhood level, through physical or environmental measures, or through resident involvement activities, or our community development and support services.

8. PREVENTATIVE MEASURES

Section summary

SHA will seek to prevent anti-social behaviour by reinforcing tenants' understanding of the conditions of their tenancy agreement and by making other information available. We will seek and act upon feedback from tenants and the Neighbourhood Committees; consider suspending housing applicants who have previously behaved in an anti-social manner; and design our new homes in a way that will minimise any future problems.

- 3.26 Prevention and early intervention are important aspects of SHA's approach to managing neighbour disputes and anti-social behaviour.

- 3.27 SHA will make all of our tenants aware of the terms of their tenancy agreement, and of how to make a complaint.
- 3.28 If we are investigating a complaint of anti-social behaviour, we will reinforce tenancy obligations at the outset, and specify where they have not been met.
- 3.29 The feedback SHA receives from tenants and the two SHA Neighbourhood Committees is an invaluable source of information about what is happening within our neighbourhoods. We will use this feedback to shape our response to any reported issues or incidents.
- 3.30 SHA will collect and analyse quality monitoring information about anti-social complaints, to help us identify and act upon emerging trends or problem areas.
- 3.31 SHA may suspend housing applicants from receiving offers of rehousing, if they have previously acted in an anti-social manner or have been convicted of certain types of criminal offences, including drug dealing. The suspension provisions cannot be used where a homelessness duty is being met. Further information is set out in SHA's Housing Allocations Policy and the related legislation and statutory guidance.
- 3.32 SHA continues to be a significant developer of new homes. We will aim to design out physical features that could increase the risk of future neighbour complaints or anti-social behaviour. All of our new housing developments have achieved Secure by Design accreditation, which helps meet this objective.

9. CATEGORISATION OF COMPLAINTS

Section summary

This section describes the types of complaints SHA receives about neighbours and anti-social behaviour, as well as the categorisation system we use to assess the seriousness of complaints and the type of action that may be needed.

- 3.33 The complaints raised with SHA range from disputes between neighbours to complaints about anti-social behaviour, neighbourhood problems, or criminal activity.
- 3.34 SHA will use the three categories shown below, to assess the seriousness of complaints and the type of action that may be needed. The Community Relations Unit, our main partner in seeking to resolve anti-social behaviour, uses the same system to categorise complaints.

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. Typically it is expected the Police will also be involved.

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.

CATEGORY C – Nuisance Complaints

Complaints which concern simple breaches of tenancy conditions or minor neighbour disputes. (These would normally be dealt with as Estate Management issues at Housing Officer level).

- 3.35 While some complaints may not fit neatly within a single category, we will refer to the previous case history and the nature of the complaint in deciding how to treat each complaint.
- 3.36 The following examples show how different cases might be categorised, and our target timescales for resolution:

Nature of Complaint	Possible Category	Target Timescale for Resolution
Serious assault, drug dealing, harassment (including racial, sectarian or homophobic incidents and harassment of people with disabilities)	Category A	40 days
Assault, disturbances, allegations of drug dealing, threats of violence, persistent noise complaints	Category B	20 days
Environmental issues, unkempt gardens and minor tenancy breaches such as persistently leaving rubbish in closes	Category C	10 days

10. MAKING AND RECEIVING COMPLAINTS

Section summary

SHA will investigate complaints about our tenants, and we will generally refer complaints about owner-occupiers or private sector tenants to partner agencies, or in the case of factored owners to our Factoring Team. We will make it easy to report a complaint and offer any assistance needed. We will carry out an initial assessment to decide how best to deal with a complaint. We will accept anonymous complaints and complaints from reluctant witnesses. SHA will also pass on resident complaints, where residents wish to report matters that fall within the responsibilities of Police Scotland, the Community Relations Unit and other Glasgow City Council service departments

Making Complaints

- 3.37 Anyone (such as a tenant, sharing owner, owner-occupier or other local resident) will be able to make a complaint. Depending on the nature of the complaint and who makes it, we may:
- Investigate the complaint in accordance with this Policy and our procedures.
 - Refer the complaint to Police Scotland or the Community Relations Unit (CRU) for investigation, with the Complainer's agreement.

- 3.38 SHA will accept complaints in whatever way the Complainer prefers, including:
- By letter or email
 - By telephone
 - By calling at SHA's offices, or speaking to a SHA staff member
 - By asking a third party to contact us on their behalf (such as a family member, carer, support worker, advice agency or elected representative).
- 3.39 SHA will offer any help needed to complete the relevant paperwork. We will offer suitable assistance if there are any barriers to communication.
- 3.40 SHA will make sure that all complaints are recorded accurately and fully, and we will acknowledge all complaints within two working days.

Complaints in relation to Owner Occupiers, Sharing Owners and Private Sector Tenants

- 3.41 If a complaint is made by an owner, sharing owner or private sector tenant against an SHA tenant then the Association would investigate the complaint and liaise directly with both the alleged perpetrator and the complainant. If the owner is a factored owner then we may also liaise with the Southside Factoring and Related Services team.
- 9.5.1 Dependant on the severity of the complaint then we may refer the case to the Community Relations Unit.
- 9.5.2 If the complaint is against owners, sharing owners or private sector tenants then we would refer the case to the Community Relations Unit, who have a dedicated team that deal with this type of anti-social complaint.

Initial Actions by SHA

- 3.42 When SHA receives a complaint, we will carry out an initial assessment to decide how best to deal with it. This may involve:
- Identifying any support needs involved
 - Identifying whether serious anti-social behaviour or criminality may be involved
 - Identifying the category of the complaint (see section 8) and the action required.

Anonymous complaints and complaints from reluctant witnesses

- 3.43 SHA will accept anonymous complaints and complaints from reluctant witnesses. We will investigate anonymous complaints where this is feasible, but may not be able to investigate fully unless we have all of the information needed.

Third Party Reporting

- 3.44 SHA will help residents to report complaints to Police Scotland, the Community Relations Unit and Glasgow City Council. This will involve SHA passing on complaints to the relevant agency, and providing any help needed with the completion of forms etc. If a complaint is very urgent (for example, a hate crime or threat of physical violence), we will support the Complainer in making direct contact with the Police as soon as possible.

Vexatious Anti-Social Complaints

- 9.9 A vexatious anti-social complaint can be defined as a complaint (or a series of many) that is specifically being pursued causing inconvenience, harassment or annoyance.
- 9.9.1 The Association will investigate all anti-social complaints and will respond professionally to complaints but where it becomes apparent after investigating a complaint that there is no merit in the complaint then it will be communicated that there is no evidence and that no more can be reasonably done to assist the complainant.
- 9.9.2 Even though someone has made vexatious anti-social complaints in the past, it cannot be assumed that the next complaint is also vexatious. Each case must be considered and investigated, and a decision made as to whether it is vexatious or genuine based on the evidence gathered. The Association would however be mindful not to treat an anti-social complaint in isolation if there was a history of vexatious complaints. There has to be some regard to the surrounding circumstances including the complainant's previous and associated behaviour. It is important, for example, that we consider the number of previous repetitive or vexatious complaints.
- 9.9.3 Vexatious complaints are covered in more detail in our Unacceptable Actions Policy.

11. INVESTIGATION OF COMPLAINTS

Section summary

SHA will investigate complaints by interviewing the person who has made the complaints (the Complainer) and the person who has been complained about (the Alleged Perpetrator). In both cases, the purpose at this stage is to try to establish the facts and to find out if the complaint can be substantiated. This may involve liaison with neighbours and partner agencies.

Complainer Interview

- 10.1 A member of the Estates Team will interview the Complainer within the following target timescales:
- Category A complaints: 24 hours
 - Category B complaints: 2 days
 - Category C complaints: 2 days

3.2 At the end of the interview, we will:

- Tell the Complainer what will happen next, and when SHA will next update them.
- Provide a Neighbour Nuisance Incident Diary, if appropriate.

Alleged Perpetrator Interview

3.3 If there is a relevant complaint to investigate further, a member of the Estates Team (and/or CRU, if this is agreed) will interview the Alleged Perpetrator (AP) in person within the following target timescales:

Category A complaints: 5 working days

Category B complaints: 5 working days

Category C complaints: 5 working days

3.4 If the alleged perpetrator does not engage, SHA may issue a First Warning Letter if our investigations show that the complaint can be substantiated.

Substantiating Allegations

3.5 SHA will generally consider a complaint to be substantiated if:

- Two independent Complainers have confirmed the same specific incident, and we are satisfied about the credibility of the accounts they have provided.
- The Police, Community Relations Unit, Noise Officer or Community Enforcement Officer, or another professional witness have confirmed a single complaint about a specific incident as a result of their attendance.
- CCTV or photographic evidence shows that an incident took place (e.g. vandalism, gang fighting)
- The Alleged Perpetrator has admitted to an incident reported by a single Complainer.

3.6 We generally seek corroboration from two independent complainers because this is consistent with the procedures applied by CRU, and it increases the likelihood of complaints being pursued successfully, including through the courts if necessary.

3.7 However, we also recognise that there could be circumstances where an Alleged Perpetrator could act in concert with others to raise a false counter claim against a victim. This is why we investigate complaints and consider the credibility of the accounts given to us, rather than accepting them at face value.

3.8 If we conclude that a complaint has not been substantiated due to a lack of evidence, SHA will generally close the case and notify the Complainer and the Alleged Perpetrator.

3.9 Closing a case does not always mean that no further action will be taken. For example, if we continue to receive frequent complaints that are unsubstantiated, SHA may decide to continue to monitor the situation or we may discuss the circumstances with the Community Relations Unit, to agree whether referral to the CRU should be considered.

12. ACTION IN RESPONSE TO SUBSTANTIATED COMPLAINTS

Section summary

If a complaint is substantiated, SHA's Estates Team will identify the most appropriate action to resolve the situation. Where anti-social behaviour is involved, we may consider the use of Acceptable Behaviour Contracts, formal Tenancy Warnings, referral to the Community Relations Unit, converting tenancies to Short Scottish Secure Tenancies and, in the most serious cases, beginning legal proceedings for eviction. We may propose mediation as a way of resolving neighbour disputes.

- 3.10 If a complaint is substantiated, SHA's Estates Team will identify the most appropriate action to resolve the situation. This will take account of any previous actions taken, the nature of the behaviour concerned, and what is most likely to put a stop to it.

Neighbour Disputes

- 3.11 Where appropriate, SHA will encourage neighbours to resolve matters by seeking a compromise. If this cannot be achieved, SHA may also propose mediation to resolve a neighbour dispute.

Acceptable Behaviour Contracts (ABCs)

- 3.12 An ABC is a voluntary agreement between an individual and SHA, or between the individual and relevant partners such as the Community Relations Unit (CRU).
- 3.13 SHA will consider the use of an ABC, particularly for young people under 16 and generally after discussion with CRU. If there are further corroborated incidents after an ABC is put in place, we may issue a first written tenancy warning.
- 3.14 Should a Perpetrator refuse to sign an ABC, SHA will proceed to issue a First Warning.

Tenancy Warnings

- 3.15 A tenancy warning is a formal warning issued in writing to a tenant where an investigation has confirmed that anti-social behaviour has taken place.

First Warning

- 3.16 SHA may issue a First Warning in writing where we are satisfied that anti-social behaviour has taken place. We will always seek to interview the Alleged Perpetrator before doing so, but we will issue the First Warning without doing so if they do not attend the interview.
- 3.17 After issuing a First Warning letter, we will monitor the case for three months. If no further incidents occur, the case will then be closed. If we receive further complaints after a case has been closed, we will normally re-open the case.

Second Warning

- 3.18 If further complaints are made during the period of the First Warning, SHA will investigate as before. Depending on our findings, SHA may issue a Second Warning after considering all relevant circumstances.
- 3.19 If the Perpetrator has been offered support, we will establish whether it has been accepted and maintained. We will also consider whether additional support is needed.
- 3.20 As before, SHA will monitor the case for a period of 3 months and stay in contact with both the Perpetrator and the Complainer.
- 3.21 If further justified complaints are made within this period, SHA will normally refer the case to CRU for further advice and/or action.
- 3.22 If there have been no further incidents during the three month monitoring period, SHA will close the case when notified of the outcome by CRU. If further complaints are received after the case has been closed, they will be treated as a new complaint.

Referral to the Community Relations Unit

- 3.23 Referrals to CRU will be managed in accordance with the Service Level Agreement and agreed procedures. These arrangements can be varied, as circumstances require.

Legal Remedies

- 3.24 If further incidents occur after cases are referred to CRU, CRU and SHA will generally enter into discussions about whether legal action should begin.
- 3.25 The **legal remedies potentially available to the Police and the local authority** under the Anti-Social Behaviour Etc. (Scotland) Act 2004 include:
- Arrest, for criminal behaviour
 - Anti-Social Behaviour Orders (ASBOs)
 - Dispersal of groups powers
 - Closure of premises powers
 - Noise – powers to seize noise equipment
 - Fixed penalty notices.
- 3.26 The **legal remedies potentially available to SHA** include:
- Interim Interdict and Action for Specific Implement (court orders requiring an individual to stop doing something, or to carry out the terms of their tenancy agreement).
 - Anti-Social Behaviour Orders

- Conversion to a Short Scottish Secure Tenancy Agreement, subject to the conditions specified in legislation and statutory guidance.
 - Action for Repossession, on the grounds specified in the Housing (Scotland) Act 2001
 - Streamlined repossession procedure under the Housing (Scotland) Act 2014, where the tenant has been found guilty by the courts of a specified criminal offence such as drug dealing.
 - Suspension of housing applications, in accordance with section 20B of the Housing (Scotland) Act 1987.
- 3.27 SHA's general policy will be to consider legal action only for the most serious or persistent of anti-social behaviour cases and where reasonable attempts at resolution by SHA and our partners have failed.
- 3.28 When a case reaches the legal action stage, SHA will review the case with our Solicitor who will advise on the most suitable course of action. Cases will only be booked to court when suitable evidence has been gathered and the Solicitor agrees that a satisfactory case has been built.
- 3.29 SHA has the right to provide a Short Scottish Secure Tenancy (Short SST) if there is evidence of serious anti-social behaviour. This may involve converting the tenancy of an existing SHA tenant to a Short SST or offering a Short SST to a new tenant.
- 3.30 In such cases, the Short SST will convert to a full Scottish secure tenancy at the end of 12 months, provided the tenant has not behaved in a manner deemed unacceptable. A further and final extension to the Short SST may also be applied.

13. CONFIDENTIALITY, DATA PROTECTION AND INFORMATION EXCHANGE

- 3.31 In managing anti-social behaviour complaints, SHA will respect the privacy and confidentiality rights of the individuals involved. This includes the Complainer, witnesses and the Alleged Perpetrator.
- 3.32 SHA may exchange information with external agencies, in accordance with the Association's Fair Processing Notice.

14. MONITORING AND DELEGATED AUTHORITY

3.33 The Estates Team will:

- Maintain detailed anti-social behaviour case files
- Monitor information about complaint volumes and types, actions taken and outcomes
- Provide the Neighbourhood Committees with bi-monthly reports about anti-social complaints, including increases in complaints in particular areas
- Provide the Neighbourhood Committees and the Management Committee (MC) with an annual report about complaints, to support oversight of performance, and committee awareness of the range of remedies used and outcomes achieved.

3.34 The Head of Housing Services will be responsible for deciding:

- Whether Short SSTs should be used, for existing and new tenants.
- Whether court action should be taken to seek eviction, before a case is booked to court.

3.35 The Management Committee has delegated authority to the Director or the Head of Housing Services to decide whether to carry out an eviction. These officers will consider all of the circumstances of the case, including whether the household includes children or vulnerable adults, and the information presented by the Estates Team and partner agencies. Decrees that have been enforced will be reported to the Neighbourhood Committees and the Management Committee to note.

3.36 In accordance with our legal obligations, SHA will notify the local authority if we have issued a Notice and, at a later stage, if an eviction is to take place.

15. COMPLAINTS AND APPEALS

3.37 A tenant may submit a complaint if they feel that SHA has failed to apply this Policy correctly, or if they are dissatisfied with the standard of service SHA has provided.

3.38 All complaints will be dealt with in accordance with SHA's Complaints Handling Procedure. Tenants also have the right to refer complaints to the Scottish Public Services Ombudsman, if they have exhausted SHA's Complaints Handling Procedure and remain dissatisfied with our response.

3.39 Any tenant with a short SST has 14 days from the date of service of a notice of proceedings to apply for a review of our decision to seek recovery of possession of the house. The Head of Housing Services will conduct any such reviews within 14 days of receipt.

3.40 A tenant can request a review of our decision to grant a short SSST, including the conversion of an existing Scottish Secure Tenancy. The Head of Housing Services will conduct any such reviews, and the tenant will have a further right of appeal to the court.

16. RISK MANAGEMENT

3.41 Effective management of risks is critical, so that SHA secures the right outcomes for victims

of anti-social behaviour and preserves the quality and popularity of our neighbourhoods as good places to live. At the same time, we must act fairly towards all parties.

3.42 SHA will be proactive in managing risks. We will do this by:

- Seeking to prevent anti-social behaviour, making sure that all SHA tenants know that they must comply with their tenancy agreement at all times.
- Taking a rigorous approach to investigating complaints that we receive.
- Engaging directly with both Complainers and Perpetrators.
- Providing support to victims of anti-social behaviour.
- Working closely with our partners, particularly on serious or persistent complaints.
- Using the legal remedies available to us to stop anti-social behaviour, when required.

17. POLICY REVIEW AND CONSULTATION

3.43 This Policy will be reviewed in 3 years' time or more frequently if required. The review will incorporate changes in legislation, and consider how the Policy is operating in practice. We will also seek feedback from tenants, tenants' groups and partner organisations.

Appendix 1

Other Legislation Relevant to Anti-Social Behaviour

Legislation	Purpose/Main Features
Children (Scotland) Act 1995	Requires social work authorities to provide support and make care and supervision orders for children.
Civic Government (Scotland) Act 1982	Created offences relating to allowing an animal to endanger or injure another person; public urination or defecation to the annoyance of another person; being drunk and incapable in a public place.
Crime & Disorder Act 1998	Introduced Anti-Social Behaviour Orders.
Dangerous Dogs Acts 1989 and 1991	Permits Police action against owners of dangerous dogs not complying with the Act.
Data Protection Act 2018 and EU General Data Protection Regulations (GDPR)	Framework for the collection, processing and disclosure of personal information. Also applies to the use of CCTV.
Dog Fouling (Scotland) Act 2003	Makes it an offence to fail to clear up after a dog has fouled. Local authorities and the Police have powers to issue fixed penalty notices to persons they believe have committed an offence.
Environmental Protection Act 1990	Statutory framework for nuisance, including noise.
Equality Act 2010	Makes it unlawful to discriminate against any person on the basis of nine protected characteristics. SHA must also comply with the general equality duty in the Act, which means that SHA must: <ul style="list-style-type: none"> • Eliminate unlawful discrimination (including direct and indirect discrimination and discrimination arising from disability), as well as harassment and victimisation. • Advance equality of opportunity between people who share a protected characteristic and people who do not share it. • Foster good relations between people who share a protected characteristic and people who do not share it.
Human Rights Act 1998	Allows an individual to challenge perceived breaches of the rights and freedoms enshrined in the European Convention on Human Rights. For example, every individual has the right to own and enjoy the ownership of property; the right to respect for private life; the right to respect for family life; and the right to respect for their home.
Motor Vehicles Regulations Act 1986	Provides powers to deal with obstructions caused by parking on pavements, grass verges and private driveways.
Regulation of Investigatory Powers (Scotland) Act 2000	Provides that surveillance carried out under and in terms of an authorisation granted under the Act will be lawful.
Road Traffic Act 1988	Covers a range of areas including removing vehicles in a dangerous position or driving vehicles elsewhere and on the road.
Social Work (Scotland) Act 1968 & Mental Health Act 1984	Provides powers for the care and support of people who have mental health problems.