

<b>Policy on :</b>	<b>Neighbour Disputes and Anti-Social Behaviour</b>
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<b>Compliant with Charter Indicators and Outcomes:</b>	<b>2- Communication; 3- Participation; 6-Estate Management, Anti-Social Behaviour, Neighbour Nuisance and Tenancy Disputes; and 11- Tenancy Sustainment.</b>
<b>Compliant with Tenant Participation Strategy:</b>	<b>Yes</b>
<b>Compliant with Equal Opportunities :</b>	<b>Yes</b>
<b>Compliant with Internal Management Plan :</b>	<b>Yes</b>

<b>Date Approved:</b>	<b>January 2013- Amended in December 2013.</b>
<b>Date for Review :</b>	<b>January 2016</b>

<b>Responsible Officer:</b>	<b>Housing Manager, Jim Munro</b>
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*This leaflet can be made available in different languages  
and alternative formats*

## **1. Introduction**

Where people live close together there is always the scope for friction and disputes. Clashes of lifestyles where people are from different age groups, or come from different cultural backgrounds, or have different working or sleeping patterns can easily give rise to arguments.

The spectrum of neighbour disputes and anti-social behaviour is wide. On the one hand, neighbour nuisance might refer to a dispute between two neighbours whilst anti-social behaviour might threaten the physical or mental health, safety or security of other households or individuals.

Barhead Housing Association is committed to reducing and tackling neighbour disputes and anti-social behaviour by responding firmly and effectively to complaints. This policy will provide a framework for action relating to complaints of neighbour nuisance or anti social behaviour. The Association is committed to encouraging tenants to report incidents of neighbour disputes or anti-social behaviour and to dealing with complaints of neighbour disputes or anti social behaviour in a consistent and sensitive manner.

The policy outlined below considers the definitions of neighbour disputes and anti-social behaviour. In some cases, differing lifestyles may cause clashes and conflict between neighbours. This policy is not intended to address behaviour that is merely different and will not be used to promote the harassment of individuals or groups for behaviour that results from being of a different race or origin.

The Association recognises that neighbour disputes and anti-social behaviour can occur in any housing tenure. This policy recognises that disputes may arise between Association tenants and neighbouring owners or private tenants, as a result of the growing mixed tenure areas and estates that are prevalent in our society.

## **2. Aim and Principles of the Policy**

The Association is committed to ensuring that as far as is possible all of its tenants are able to have quiet enjoyment of their homes, without being abused or harassed or subject to undue noise or other nuisance caused by those around them.

The principles underpinning the Association's Neighbour Disputes and Anti-Social Behaviour policy are:

- The incidence of severe cases of anti social-behaviour is low, but where it does occur, it can cause severe stress. The Association recognises the stress that extreme instances causes;
- Any response to neighbour disputes and anti-social behaviour complaints often requires a multi agency approach. The Association will therefore seek to work co-operatively with relevant agencies in dealing with cases;

- Where appropriate, the Association will take early action to prevent disputes escalating;
- The Association will seek to act in a manner that is consistent with accepted good professional practice;
- The Association will ensure that it does not act in a discriminatory manner when dealing with neighbour nuisance or anti-social behaviour complaints.

### **3. What is Neighbour Dispute/Anti Social Behaviour?**

The Anti-Social Behaviour etc (Scotland) 2004 states that a person engages in anti-social behaviour if they “act in a manner that causes alarm or distress; or 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”.

A range of types of behaviour may therefore be referred to as ‘neighbour dispute’ or ‘anti-social behaviour’. To provide a framework for prioritisation and to indicate clearly what types of behaviour will be acted upon, the agreed categories are set out below –

a) Severe anti-social behaviour, where the involvement of the police is necessary (**Category A**) e.g.:

- violence towards another tenant
- threatening behaviour
- drug dealing
- serious vandalism/damage to common areas
- harassment (including racial harassment)

The locally agreed target for the completion of the investigation and the determination on the course action to resolve the case will be 5 Working days.

b) Anti-social behaviour, where the behaviour is of a serious and persistent nature, affecting one tenant or a group of tenants (**Category B**) e.g.:

- Serious noise nuisance
- threats
- serious disturbance

The locally agreed target for the completion of the investigation and the determination on the course action to resolve the case will be 5 Working days.

c) Disputes solely between two neighbours (**Category C**) e.g.:

- use of common areas
- maintenance/use of boundaries
- noise

The locally target for the completion of the investigation and the determination on the course action to resolve the case will be 10 Working days.

d) Ordinary breach of tenancy conditions (**Category D**) e.g.:

- not keeping garden tidy
- parking in unauthorised areas
- failing to control pets

The locally target for the completion of the investigation and the determination on the course action to resolve the case will be 15 Working days.

#### **4. Making a Complaint**

The Association will accept complaints by letter, by phone, email or in an interview.

Anonymous complaints will be recorded, but it may not be possible to act on such complaints unless it is possible for the Association to verify the complaint e.g. an untidy garden. Anonymous complaints restrict the steps the Association can take but the Association will take the necessary steps to investigate serious complaints where possible.

The Association is committed to responding to complaints of neighbour disputes or anti-social behaviour as quickly as possible. However, it is important to ensure that the most serious complaints are investigated without delay. Target times for an initial response to the different categories of complaint are outlined below. In line with the Scottish Social Housing Charter, these have been agreed following consultation with customers, Registered Tenant Organisations, stakeholders including Police Scotland and East Renfrewshire Council.

**Category A:** visit/interview complainant and contact police within 2 working days. The locally agreed target for the completion of the investigation and the determination on the course action to resolve the case will be 5 Working days.

**Category B:** carry out initial investigation and assess appropriate action. Contact complainant by phone call/letter/ visit within 3 working days to advise of assessment. The locally agreed target for the completion of the investigation and the determination on the course action to resolve the case will be 5 Working days.

**Category C:** investigate complaint and contact complainant by phone/letter or visit within 5 working days. The locally target for the completion of the investigation and the determination on the course action to resolve the case will be 10 Working days.

**Category D:** investigate complaint and update complainant by phone/letter or visit within 7 working days. The locally target for the completion of the investigation and the determination on the course action to resolve the case will be 15 Working days.

Note: - these are timescales for the Association responding to a complaint and detailing what action will be taken to resolve the complaint. Timescales for further action/involvement should be included in action plan drawn up.

## **5. Dealing with a Complaint**

The Housing Officer will normally deal with complaints of neighbour dispute or anti-social behaviour at least in the first instance. More serious complaints are likely to require the involvement of the Housing Manager.

Complaints will normally be dealt with by taking action at the most appropriate level. Only in the most extreme cases would legal action be considered before a warning visit/interview was carried out. In all cases the Association undertakes to keep complainants informed on the progress of the complaint and reasons for action taking or for closing of case. The stages of dealing with a complaint are detailed within Appendix 1.

Where a complaint is received regarding the behaviour of an owner occupier, the Association will advise the tenant of action that the tenant may take.

Where a complaint is received from an owner or private tenant against an Association tenant, the complaint will be investigated and dealt with as outlined in this policy.

The Association is committed to providing customer with as much information as possible when a complaint is made. Staff will ensure that complainants are kept up to date on the progress in dealing with a complaint.

## **6. Legal Action**

If a complaint cannot be satisfactorily resolved legal action will be considered where appropriate. In such cases the evidence gathered will be passed to the Association's solicitors for their consideration and advice. All possible legal remedies will be considered, subject to the level of evidence required being available. At all times, the use of Anti-Social Behaviour Orders and eviction will be considered only as a last resort where other appropriate forms of action have been tried.

Where the behaviour of a qualifying occupier is the main source of complaint, the Housing Officer will write to the tenant/s and the qualifying occupier prior to instigating legal action.

## **7. Confidentiality**

All complaints will be treated in confidence if the complainant requests this. However it will be made clear to the complainant that if the complaint is followed up the complainant may be able to identify the complainant, simply from the details of the complaint. In addition if the complainant wishes their name to remain confidential this may limit the action it is possible to take.

## **8. Mediation**

Mediation enables parties in dispute to reach mutually agreed settlements. The Association utilizes the services of a trained mediator in appropriate cases. Mediation may be used in disputes where:

- both parties consent to the mediation process
- there are no allegations of violence

Following an initial assessment of the dispute by the Housing Officer, professional mediation may be recommended to reach a mutually agreed settlement between the parties. Cases referred for mediation will be jointly monitored by the Housing Officer and Housing Manager

## **9. Liaison with other services and agencies**

Liaison with other agencies can be critical to the effective management of anti-social behaviour. The Association has developed a Sharing of Information Protocol with the Strathclyde Police, East Renfrewshire Council, Strathclyde Fire and Rescue to assist in information sharing.

The Association is committed to working in partnership. For example, information sharing takes place through the monthly meetings of the Multi-agency Tasking Group organised by East Renfrewshire Community Safety Unit. Similarly, joint working with Social Work Services, Environmental Services and other agencies such as Health professionals as appropriate.

Where anti-social behaviour appears to arise as a result of an individual's addiction to drugs, alcohol or other substance the Association will seek to involve appropriate agencies and every effort will be made to resolve the issue before legal remedies are considered.

Where an individual's anti-social behaviour relates to mental health issues the Association will liaise closely with Health and Social Work Services. If the behaviour is not addressed we will work with others to identify other avenues, such as more appropriate accommodation, before legal remedies are considered.

Where a tenant appears to be vulnerable for any other reason the Association will liaise with any appropriate body such as Victim Support in order to resolve the issue before legal remedies are considered.

## **10. Monitoring and Reporting**

Monitoring of Anti-Social Behaviour complaints will allow the Association to measure the occurrence of Anti-Social Behaviour and the success of different actions taken. The Housing Manager will provide the following information on a quarterly basis to the Finance and Performance Sub-committee:

1. Number of complaints of Anti-Social Behaviour received, by category of complaint;

2. Average number of days to deal with the complaints
3. Number of warnings issued
4. Number of cases referred to mediation, and outcomes
5. Number of ASBO's applied for
6. Number of evictions for anti-social behavior
7. Number of cases motivated by racial discrimination or homophobia.

## **11. Equal Opportunities**

Barrhead Housing Association is committed to providing fair and equal treatment to all our customers.

The Association will not discriminate against anyone on the grounds of civil partnerships, race, colour, ethnic or national origin, disability, religion, age, sexual orientation, marital status, civil partnerships, family circumstances, employment status or physical ability.

We will offer customers a range of options for communicating with us, since requiring to contact us may have to be in writing and this may be a deterrent, for example for people with poor literacy skills, visual impairment, or where first language is not English. We will monitor use of our Neighbour Dispute/ Anti-Social Behaviour policy and procedure for ethnic origin and disability to ensure that our procedures deliver fair outcomes for different groups of customers.

Where anti-social behaviour appears to be motivated by racial discrimination we work in partnership with a range of agencies to tackle the problem and support the victim.

## **12. Complaints Policy**

Barrhead Housing Association operates a Complaints Policy that is open and transparent. Should any customer or service user feel the need to make a complaint against an individual or the organisation, the Complaints' Policy and Procedure will be implemented. Copies of this policy can be obtained from the Association's office or downloaded from our web-site: [www.barrheadha.org](http://www.barrheadha.org).

In keeping records about complaints and in allowing access to our files we will comply with the legislative requirements including, Access to Person at Files Act 1987 and Data Protection Act 1998.

### **13. Policy Review**

The Policy Sub-Committee will review this Policy at least every three years. However, improvements in performance and service delivery may be made on a regular basis to reflect change and in light of various factors such as:

- New or revised legislation
- Changes in good practice
- Organisational change, e.g. revision of operational practices
- Views of tenants and other service users
- Auditing practices
- Resource requirements

## **Appendix 1: Procedures for Dealing with a Complaint**

- i) Initial receipt and categorisation. – the details of the complaint will be logged and an initial categorisation made.
- ii) Initial Action - depending on the severity of the case this may include:
  - A visit to complainant to obtain further detail
  - Contact with local police to gain further information
  - A letter to the tenant complained about outlining the complaint received and pointing out terms of lease as appropriate
  - A visit to the tenant complained about to advise of complaint, discuss, gather further detail etc.
  - Visits to neighbours for further information and potential corroboration.
- iii) After the initial action, the Housing Officer will note what has been done, ensure the complainant is notified and note when the success/failure of the action should be checked.
- iv) A check is made on the outcome of action where this is appropriate.
- v) Re-assessment – after the initial investigation and check the Housing Officer will reassess the complaint. If the complaint is resolved, or if the complaint is not found to be actionable, the case will be closed and the complainant advised of this.
- vi) If the complaint is not resolved, the Housing Officer will draw up an action plan including details of possible action, target timescales and details of contacts to be made with the complainant and the complainee. Where further evidence may be required from the complainant in order to pursue the complaint a standard Diary form will be provided to the complainant together with a guidance note on how to complete it.
- vii) In some cases the officer may conclude that no further action or only warning action is appropriate. If the complainant is not satisfied with this conclusion a complaint can be made using the Association's complaints procedure. If, after a warning letter/visit in relation to a category C or D complaint no further complaint is received for a period of 21 days, the case will be regarded as closed.
- viii) It is envisaged that the majority of complaints will be dealt with without recourse to legal action. However where a complaint is assessed as justified and is not resolved without legal action all forms of legal action available to the Association will be considered.
- ix) All Category A cases will be reviewed and monitored jointly by the Housing Officer and Housing Manager.

Where a complaint is received regarding the behaviour of an owner occupier, the Association will advise the tenant of action that the tenant may take.

Where a complaint is received from an owner or private tenant against an Association tenant, the complaint will be investigated and dealt with as outlined in this policy.

## **Appendix 2: Anti-Social Behaviour Diary:**

**Name:**

**Address:**

**Date:**

**Incident:**

**Name & Address Of  
Relevant Witness:**

**Who Was Incident Reported To?  
(Tick As Appropriate)**

**Housing Officer**      Name \_\_\_\_\_

**Police**      Name/No. \_\_\_\_\_

**Asb Team**      Name \_\_\_\_\_

**Other**      Name \_\_\_\_\_

### **Appendix 3: Neighbour Complaint Form**

<b>Name of Person Complaining:</b> <hr/>
<b>Address:</b> _____
<b>Postcode</b> _____ <b>Tel. Home</b> _____ <b>Work</b> _____
<b>Person Being Complained About :</b> _____ <b>Address:</b> _____
<b>Nature of Complaint</b>      
<b>Date(s) the Incident(s) Above Took Place:</b> _____
<b>Is this the first time this has occurred?</b> <b>Yes/No*</b>
<b>Previous Incidents:</b>      
<b>Have the Police Been Involved?</b> <b>Yes/No*</b>
<b>If yes, what was the Date and Time of Reporting the Complaint to Police? on</b> _____ <b>at</b> _____
<b>Do you know the name of the Police Officer(s) who attended?</b> <b>Yes/No*</b>
<b>Name of Officer:</b> _____
<b>Other neighbours supporting your complaint?</b> <b>Yes/No*</b>

**If yes, who are they?**

**Name** \_\_\_\_\_ **Signature** \_\_\_\_\_

**Address** \_\_\_\_\_

**Name** \_\_\_\_\_ **Signature** \_\_\_\_\_

**Address** \_\_\_\_\_

**Name** \_\_\_\_\_ **Signature** \_\_\_\_\_

**Address** \_\_\_\_\_

**Category of Complaint: A, B, C or D:** \_\_\_\_\_

## **Appendix 4:    Alleged Offenders Statement**

Name :	
Address :	
Date :	
Action Taken :	
Date :	
Complainant informed :	Date :
1 <sup>st</sup> Interview	
2 <sup>nd</sup> Interview	
2 <sup>nd</sup> Letter	
Notice to Quit	
Court proceedings	
Subsequent Action :	
Resolution	

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## **Housing Officer**

## **Appendix 5: Anti-Social Behaviour Action Plan**

Name of Complainant :	
Address :	
Complaints received to date :	
Action taken so far :	
Agencies involved :	
Proposed future action/timescale :	

**Signed by Housing Officer:** \_\_\_\_\_

**Date:** \_\_\_\_\_