



Williamsburgh

HOUSING ASSOCIATION

• Limited •

Neighbour Disputes and Anti Social Behaviour Policy

This policy is available in different languages and other formats such as Braille or tape on request.

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1. Introduction

Antisocial Behaviour ETC (Scotland) [Act] 2004 provides that a person engages in antisocial behaviour if they:

“Act in a manner that causes or is likely to cause 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 as them”.

This policy aims to achieve a comprehensive approach in dealing with problems of neighbour disputes and anti social behaviour, all of which manifest themselves in various forms. Where complaints of harassment are received, they will be dealt with in accordance with our policy on Harassment.

Where people live close together, there is always the potential for friction and disputes. Clashes of lifestyles can occur where, for example, people have different age groups or cultural backgrounds, or have different working or sleeping patterns. These ‘differences’ can easily give rise to arguments and lead to neighbour disputes and antisocial behaviour.

Whilst the Association is successfully tackling the physical environment by modernising and maintaining the properties in its area to a high standard, many social issues remain contentious and difficult to overcome.

The Association recognises that anti social behaviour may have its roots in many different social factors e.g. unemployment, drug misuse etc. The Association accepts that while its role may be limited in tackling the underlying causes it aims to deal quickly and effectively with all forms of neighbour disputes. In doing so, we aim to identify any support issues, and pursue these with the tenant accordingly.

2. Equal Opportunities

The Association is committed to the principles of equal opportunities and good practice. In this regard, we acknowledge the Scottish Social Housing Charter (2012): 1 - Equalities, which states:

“every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services”.

Accordingly, we shall ensure that specifically in regard to Complaints, Neighbour Disputes and Anti Social Behaviour, all tenants, current and former are treated equally, irrespective of their sex or marital status, race, disability, age, sexual orientation, language or social origin, or other social attributes, including beliefs or opinions such as religious beliefs or political opinions.

3. Scottish Social Housing Charter and Legal Framework

3.1 Scottish Social Housing Charter

The Association, in preparing this policy and the related procedures has given consideration to and sought compliance with, the following:

Scottish Social Housing Charter, as defined by The Scottish Housing Regulator – the regulatory body for housing associations. The relevant Charter Outcome numbers 6 and 11 state:

6: Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes

Social landlords, working in partnership with other agencies, help to ensure that:

“tenants and other customers live in well-maintained neighbourhoods where they feel safe”.

11: Tenancy sustainment

Social landlords ensure that:

“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”.

3.2 Legal Framework

Any legal action taken will be done in accordance with the Housing (Scotland) Act 2001.

3.3 Good Practice

Practice Online – Chartered Institute of Housing

4. Aims and Objectives

- (a) To ensure that tenants are fully informed of the obligations and responsibilities of both the Association and themselves in terms of the tenancy agreement.
- (b) To achieve tenant satisfaction with the manner in which the Association deals with all neighbour complaints whilst recognising that the initial expectations of the complainant may not always be achieved.
- (c) To attempt to resolve as many disputes as possible by mutual agreement between the parties involved at an early stage.
- (d) To ensure that all complaints relating to neighbour disputes are dealt with in a sympathetic, effective manner and with the minimum of delay.
- (e) To maintain the confidentiality of the complainant (wherever possible) unless the person concerned specifically gives permission for their identity to be revealed or the case involves Renfrewshire Council's ASIST and Mediation Service which may also lead to Court action at which time their identity will become known.
- (f) To classify neighbour disputes into six categories as follows:

Category A : Serious Anti Social Behaviour

Complaints classified under this category will include drug dealing, assault, sexual offences, harassment, violence towards neighbours, Association staff or others.

Category B : Anti Social Behaviour

Complaints classified under this category will include frequent disturbances, excessive noise, nuisance as a result of substance abuse and clashes of lifestyle.

4. Aims and Objectives Contd.

Category C : Nuisance Cases

Complaints classified under this category will include infrequent disturbances, running a business and vandalism.

Category D : Breach of Tenancy Conditions

The majority of complaints will fall into this category and refer to basic breaches of the tenancy conditions and are considered as general estate management (i.e. untidy garden, unkempt common areas).

- (g) To ensure that complaints are received in writing, wherever possible, in order to maintain accurate record keeping, should further action be required. It is accepted however, that this may not always be the case.
- (h) To enlist the assistance and co-operation of appropriate outside agencies in tackling instances of neighbour disputes and anti social behaviour, where appropriate.

Where complaints received fall into more than one category, they will be recorded and progressed in accordance with the most relevant highest priority.

5. Pre-Tenancy Advice and Assistance

The Association recognises the importance of communicating effectively with housing applicants and prospective new tenants offering pre-tenancy advice and assistance in relation to good conduct and our commitment to stamping out anti social behaviour. At the lettings verification and sign up interviews, responsibilities and expectations will be explained in detail by the Association's staff.

In certain circumstances, it may be appropriate to offer a Short Scottish Secure Tenancy Agreement together with appropriate support. In doing so, the tenancy conditions will be explained in full to the applicant and support provider (wherever possible).

6. Early Intervention

This policy demonstrates that anti social behaviour and harassment will not be tolerated. We will act quickly and effectively in order to resolve complaints and disputes, as early as possible. We also acknowledge the importance of taking steps to prevent anti social behaviour from taking place. Consequently this policy links to other policies such as Allocations, Estate Management, Equal Opportunities, Tenant Participation, Harassment and Voids.

7. Complaints Received

All complaints received relating to neighbour disputes, anti social behaviour etc. will be recorded on the Association's IT systems. Each case will be allocated a reference number, and complaints falling within categories A, B, C, and Y will be acknowledged in writing (see Appendix 1 – Complaint Categories).

Although individuals will be encouraged to put their complaint in writing, it is not always necessary. Complaints will be accepted and recorded verbally, but where the complaint is of a more serious nature or in relation to an ongoing issue, submitting it in writing may be requested in order to maintain accurate record-keeping should further action be required.

Where someone has difficulty expressing themselves in writing, they may be asked to make a statement that will be documented by a member of the Association's staff, which they will then be asked to sign.

Anonymous complaints will also be recorded, as they may help to corroborate information received from other sources.

File notes of all conversations and decisions will be recorded and held together with the complaint received and all other related communications.

7. Complaints Received Contd.

7.1 Owner Occupier Complaints

Complaints made about, or by owner occupiers will be treated in the same way as those in relation to tenants and in accordance with this policy.

7.2 Procedures

Procedural guidelines for staff on the implementation of this policy, together with standard letters and forms, are held separately in our Neighbour Disputes and Anti Social Behaviour procedures.

During the course of investigating complaints, the following options will be considered by us:

- Verbal warning
- First written warning
- Second written warning
- Notice of Proceedings for Recovery of Possession
- Mediation
- Acceptable Behaviour Contract
- Referrals to Renfrewshire Council's Anti Social Investigations Team
- Antisocial Behaviour Orders
- Interdicts
- Action for Specific Implement
- Closure Orders

Each case will be assessed individually and the reasonableness of further action considered. This will include time lapses between reported incidents.

7. Complaints Received Contd.

7.3 Standard Response Times

The table on Appendix 1 contains details of the standard response times that will be applied in respect of progressing complaints in each category.

When a case reaches case assessment/action it may not necessarily be resolved or closed, but will indicate that our investigations have concluded sufficiently to enable us to make decisions about any further action to be taken.

In some cases it may not always be possible to reach resolution within the timescales indicated. In such cases, the Housing Officer will provide the person who has made the initial complaint with a letter advising that the matter is ongoing and continuing to receive our attention.

8. Multi Agency Working

In addition to managing complaints ourselves we are committed to working with various external agencies in order to resolve disputes and complaints.

External agencies that we are committed to working with include:

- Police Scotland
- Environmental Services
- Noise Enforcement Officers
- ASIST and Mediation
- Neighbourhood Wardens
- Social Work Services and related support agencies

9. Conclusion

The major challenge for the Association in implementing this policy will be to prove that a breach of tenancy or anti social behaviour exists. The Association recognises that the system may be open to abuse from those who have a personal dislike for a resident or who see the policy as a means to improve their current housing circumstances. The Association will, therefore, only take action where we believe it to be justified. A full audit trail of actions taken will be maintained to ensure equity and clarity.

The Association also recognises that, in some cases, it may be impossible to prove the allegations made. This could be because of counter allegations being made, denials of allegations supported by other witnesses, lack of police or other agencies involvement, or some other reason. In such cases, the housing officer may refer both parties for Mediation, or have no alternative but to advise both parties that the complaint is not proceeding and on what basis this decision has been made.

10. Reporting

Quarterly reports on complaints of neighbour disputes, anti social behaviour and estate management will be presented to the Housing Management Sub Committee. The reports will including the following information:

- Number of complaints
- Types of complaints
- Performance against the timescale to reach assessment stage
- Timescale to conclude case

11. Training

The Association recognises that anti social behaviour is complex and impacts on all levels of the Association. Suitable training courses will be identified and promoted to all staff within the Association in order to assist them when dealing with issues of anti social behaviour.

12. Data Protection

The Association will store personal information provided on both our computer and filing systems. At all times we will act in compliance with the Data Protection Act 1998. Applicants may request copies of the information that the Association holds on file. All such requests will be processed in accordance with the Association's Data Protection Policy.

13. Review

This policy and procedure will be reviewed by the Housing Management Sub Committee on a 3 yearly basis to ensure that it responds to any changing circumstances.

This review will take place following the appropriate consultation with tenants as outlined in our Tenant Participation Strategy.

Appendix 1

Complaint Categories

Category	Acknowledge Within	Appropriate Actions	Action Conclusion
A	3 working days	Interview parties and gather evidence within 20 days	Agree concluding course of action within 25 days of receipt
B	3 working days	Interview parties and gather evidence within 15 days	Agree concluding course of action within 20 days of receipt
C	3 working days	Interview parties and gather evidence within 10 days	Agree concluding course of action within 15 days of receipt
D	3 working days	Interview parties and gather evidence within 5 days	Agree concluding course of action within 10 days of receipt
Y	3 working days	Interview parties and gather evidence within 5 days	Agree concluding course of action within 10 days of receipt