



DRAFT Antisocial Behaviour Policy

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Contents

1. Introduction and Policy Scope	Page 3
2. Our Organisational Vision and Values	Page 3
3. Policy Aims and Objectives	Page 4
4. Definition of Anti-Social Behaviour	Page 5
5. Legal and Regulatory Requirements	Page 6
6. Equality and Diversity	Page 7
7. Roles and Key Partners	Page 9
8. Preventative Measures	Page 12
9. Categorisation of Complaints	Page 12
10. Making and Receiving Complaints	Page 14
11. Investigation of Complaints	Page 16
12. Action in Reaction to Substantiated Complaints	Page 17
13. Confidentiality, Data Protection and Information Exchange	Page 20
14. Monitoring and Delegated Authority	Page 20
15. Complaints and Appeals	Page 21
16. Risk Management	Page 21
17. Policy Review and Consultation	Page 22

Appendix 1 – Other Legislation Relevant to Anti-Social Behaviour

Appendix 2 - Equality Impact Assessment – to be completed post consultation.

1. INTRODUCTION and POLICY SCOPE

- 1.1 This Policy describes how Southside Housing Association (SHA) will seek to resolve complaints made to us about antisocial behaviour and the conduct of tenants and residents within our neighbourhoods. This includes all forms of harassment and hate crimes.
- 1.2 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 antisocial behaviour by our tenants, members of their household and visitors to their home. We will be proactive where possible and take firm action to stop such behaviour for the benefit of tenants, other residents and the wider neighbourhoods.
- 1.3 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. Our Unacceptable Actions Policy describes how we will manage any such situations.
- 1.4 This Policy describes how we will seek to resolve complaints made to us about antisocial behaviour and the conduct of neighbours. We will always endeavour to manage and prevent antisocial behaviour caused by our tenants.
- 1.5 We will not become involved in disputes which are not related to the conditions outlined within tenancy agreements, and we cannot take direct action against those who are not our tenants. In these instances we will work with our partners to support us to address issues that are problematic.
- 1.6 This Policy is supported by working procedures applied by our staff.
- 1.7 This Policy covers all of our tenants regardless of tenure type that they have and replaces all previous policies in relation to the management of antisocial behaviour.

2. OUR ORGANISATIONAL VISION and VALUES

- 2.1 As part of the development of our new Corporate Plan we undertook a review of our Vision and Values. Our Vision sets out what we hope to achieve by what we do.
- 2.2 Our vision is - *Impacting and improving people's lives in a positive way.*
- 2.3 Our Values represent the ethics and principles that our people value most and which reflect us as an organisation. We want to live our values and incorporate them into everything that we do and these are reflected within this Policy. Our Values are:

Respect We will put people first, prioritise relationships, be kind and helpful and treat others as we would want to be treated.

Integrity We will conduct ourselves with honesty and transparency.

Positivity We will focus on positive outcomes and be solution focused.

Responsible We will be dependable professional, reliable and consistent.

3. POLICY AIMS and OBJECTIVES

3.1.1 This policy aims to support us to create and maintain safe, welcoming, vibrant and sustainable neighbourhoods where antisocial behaviour is addressed proactively, effectively and appropriately.

3.2 We will achieve this by:

- addressing antisocial behaviour effectively, taking appropriate and proportionate steps to create a balance between prevention and enforcement of tenancy agreements.
- Taking a joined-up approach that uses our neighbourhood management, community support and development functions to help prevent and address antisocial behaviour.
- Being proactive in helping to prevent antisocial behaviour and to achieve early resolution of problems where possible.
- using the legal and other powers available to us to stop the continuation of antisocial behaviour where necessary.
- Working closely with partner organisations, so that the resources, expertise and powers available to all parties can be used collaboratively to stop antisocial behaviour.
- Being approachable and open to listening to tenants and residents in relation to antisocial behaviour and to take appropriate action and steps to reach resolution.
- Taking effective action and offering support to assist those who are affected by or who are victims of antisocial behaviour.
- Extending support in appropriate circumstances to perpetrators to positively influence behaviour and sustain tenancies.
- Working preventatively to reduce antisocial behaviour at the beginning of tenancies through the promotion of the Tenancy Agreement and new tenant visits, and where appropriate through the provision of Short Scottish Secure Tenancies.
- Utilising partnerships and our community initiative and tenancy sustainment work to offer opportunities for community integration, education and positive participation.
- Investigating all reported incidents of antisocial behaviour in line with our agreed target timescales, taking effective and proportionate action, including legal remedies where alternative interventions have not succeeded.
- Practicing early intervention to prevent situations escalating and where appropriate utilising resolution approaches such as mediation and referrals for support.

- Maintaining accurate records relating to antisocial behaviour and monitoring case progress and outcomes, and regularly review our processes, learning from experience and customer feedback.
- Developing information sharing and joint working protocols between other support agencies concerned with the management of anti-social behaviour, including Police Scotland, Scottish Fire and Rescue and Glasgow City Council.

4. DEFINITION OF ANTISOCIAL BEHAVIOUR

- 4.1 Antisocial behaviour can be a complex issue. Often what feels like a nuisance to some can have a negative impact on others. The general range and scope of antisocial 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 Victim Support Scotland state that “antisocial behaviour relates to ongoing and persistent activity by a person or a group of people which causes distress, alarm or harassment to people in a separate household.” They go on to note that neighbour disputes can escalate into antisocial behaviour if actions from one or both parties start to cause distress to households.
- 4.3 Antisocial behaviour can be considered:
- Personal antisocial behaviour - when a person targets a specific individual or group.
 - Nuisance antisocial behaviour - when a person causes trouble, annoyance or suffering to a community.
 - Environmental antisocial behaviour - when a person’s actions affect the wider environment, such as public spaces or buildings.
 - (Metropolitan Police, 2025).
- 4.4 The definition of what constitutes antisocial behaviour is based upon what is viewed as reasonable and unreasonable, and this in turn requires a judgement to be made. Although not exhaustive, the types of behaviour viewed as antisocial are likely to include:
- Vandalism
 - Littering or drug paraphernalia
 - Verbal abuse and name calling
 - Intimidation
 - Harassment, including Hate Crime
 - Sectarianism
 - Bullying
 - Animal problems – fouling, barking, intimidation and uncontrolled animals
 - Rowdy or inconsiderate behaviour
 - Violence or threat of violence
 - People gathering and causing a disturbance
 - 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 antisocial behaviour that Southside Housing Association reasonable defines as being unacceptable.
- 4.5 There are a number of areas of nuisance behaviour or disturbances that we will not consider within the scope of this policy, unless they are persistent and ongoing. This list is not exhaustive, and each case will be assessed individually. This can include:
- neighbours having a barbeque
 - noise from a party where Police Scotland have not been called or where Police Scotland have attended and not issued any warning
 - General living noise from people moving within their flat such as walking on laminate flooring, closing doors, using household appliances etc between 7.00am and 11.00pm
 - Children playing within the home or shared areas and not causing damage to property
 - Cooking smells or smoke drift
 - Behaviour which may simply be considered impolite or rude such as gestures, dirty looks, staring, coarse language
 - Social media posts or nuisance calls or texts

5. LEGAL AND REGULATORY REQUIREMENTS

- 5.1 We will comply with all current legislation and regulatory requirements. This section also describes the main powers and obligations that relate to antisocial behaviour and demonstrates that we will meet wider legal obligations for example in relation to equality, diversity and inclusion, human rights and data protection.
- 5.2 This policy meets with the following legislative and good practice requirements:
- Housing (Scotland) Act 2014
 - Housing (Scotland) Act 2001
 - Antisocial behaviour etc (Scotland) Act 2004
 - Crime and Disorder Act 1998
 - Equalities Act 2010
 - Environmental Protection Act 1990
 - Civic Government (Scotland) Act 1982
 - Dangerous Dogs Act 1991
 - Data Protection Act 1988
 - The Scottish Secure Tenancy (SST)
 - The Short Scottish Assured Tenancy (SSST)
 - Private Rented Tenancy (PRT)
- 5.3 This policy aims to meet the Scottish Government's Scottish Social Housing Charter Outcomes as follows:

Outcome 1 – Equalities - 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.

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 6 - Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes - tenants and other customers live in well-maintained neighbourhoods where they feel safe.

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.

5.4 **Tenancy Agreements**

The Scottish Secure Tenancy (SST) and the Short Scottish Secure Tenancy (SSST) are the two types of tenancy agreement that are applicable to social housing tenants.

The Model SST Agreement sets out the responsibilities of tenants in relation to the conduct of their tenancy and antisocial behaviour.

The Housing (Scotland) Act 2001 and 2014 allow tenancy rights to be converted to a SSST in certain circumstances involving antisocial behaviour or the granting of an Antisocial Behaviour Order (ASBO).

During the initial 12-months of the SSST, the landlord must provide, or ensure the access to appropriate housing support services.

The SSST will convert automatically to a full SST at the end of the 12- or 18-month period if the landlord has not taken steps to end the tenancy.

Landlords seeking to evict a tenant with a Short SST because of antisocial behaviour must: specify the breach of tenancy conditions in the Notice of Proceedings; advise the tenant of their right to request a review of the decision; and complete any review within 14 days.

The court must make a repossession order where the landlord is ending a SSST.

6. **EQUALITY DIVERSITY and INCLUSION**

- 6.1 We recognise 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 inclusion is the right thing to do. We want to be recognised as an open and welcoming place for all.

- 6.2 In applying this Policy, we 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. This policy aligns with our Equality, Diversity and Inclusion Policy
- 6.3 In relation to this Policy, we will give particular importance to dealing firmly with all forms of harassment and hate crimes and we take our responsibility as a Third Party Reporting Centre seriously. We seek to preserve the safety of those who make serious complaints and whose safety may be in jeopardy and ensure that we act on evidence rather than hearsay when we investigate complaints.
- 6.4 An Equality Impact Assessment has been conducted to assess adverse and positive impacts of this policy in regard to the nine protected characteristics set out in the Equality Act 2010

Human Rights

- 6.5 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 Antisocial Behaviour Policy.

A Person Centred Approach

- 6.6 Residents are entitled to live in their home free from fear and disruption from others. We will respond promptly to all complaints about breaches of tenancy conditions involving antisocial behaviour.
- 6.7 We will take a strategic approach to the management of Antisocial Behaviour; where appropriate we will contribute to, and take part in, partnership and multiagency working to prevent and manage antisocial behaviour.
- 6.8 We aim to resolve complaints about antisocial behaviour as quickly as possible. We will try to resolve them at an early stage to avoid them escalating into more serious problems. We will be approachable, respectful, positive and supportive in our approach and tenants and residents will be treated with courtesy, respect, and fairness.
- 6.9 We will assume in the first instance, that a complaint is justified and will, where appropriate, support those involved including: ensuring support needs and / or the need for protection is identified and is accessed by working in partnership with other specialist agencies; being sensitive to the diverse needs of those involved taking account of gender, race, religion, age, disability, or sexual orientation; respecting the complainant's wish to remain anonymous wherever possible; providing advice and assistance and a supportive environment, which encourages

people to report antisocial behaviour to us, police and other relevant agencies; advising complainants that we will pass the matter to the Police where the complaint involves allegations of criminality; commencing an investigation into a complaint as soon as is reasonably possible and in accordance with our policy and procedures; and providing regular communication to complainants to keep them informed of progress.

- 6.10 Supporting complainants and witnesses is paramount as successful potential legal action requires good evidence.
- 6.11 Antisocial behaviour can seriously impact on an individual's health and wellbeing. Where available stress management and support service referrals will be made to support victims and complainants of ASB.
- 6.12 Ensuring that perpetrators receive advice and support to assist them in either modifying their behaviour or assisting them to deal with any underlying cause of antisocial behaviour
- 6.13 Responding to antisocial behaviour issues at an early stage by communicating with the perpetrator about their behaviour and explaining their responsibilities. This may include accessing a specialist support service to help the perpetrator to understand and adhere to the tenancy obligations.
- 6.14 Explaining to the perpetrator the potential actions which may be taken against them and the possible outcomes of such actions.
- 6.15 Making all reasonable attempts to engage with perpetrators to improve their behaviour or increase their consideration for other tenants.
- 6.16 Continuing to liaise with agencies supporting a perpetrator, ensuring any action taken against a perpetrator is necessary and proportionate

7. ROLES AND KEY PARTNERS

Our Responsibilities

- 7.1 Our Neighbourhood Teams are responsible for managing all aspects of neighbour relations, tenancy matters and antisocial behaviour. In relation to antisocial behaviour the Team's main responsibilities include:
 - Recording, investigating and taking action on reports of antisocial behaviour in accordance with this Policy and our procedures.

- To work with partners to help resolve antisocial behaviour in our neighbourhoods, including cross-tenure issues that impact on our tenants and the wider community
- To provide advice and support to victims and witnesses of antisocial 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 Director of Housing and Communities.

Support for Victims

7.2 We will take the following actions to support victims:

- Provide clear information about how complaints are dealt with and have good record keeping.
- 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.
- Adhere to data protection matters and ensure 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.

7.3 In cases involving legal proceedings, we recognise that a complainer or witnesses may be reluctant to give evidence because of fear of reprisals. We 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.

7.4 Partnership working is key. We can resolve some types of antisocial behaviour issues directly by enforcing tenancy conditions or taking action on estate management issues. However, tackling other types of antisocial behaviour often depends on partner organisations applying their powers and expertise, sometimes with our assistance. Accordingly, we will maintain close working relationships with:

- *Glasgow City Council's Community Relations Unit (CRU)*, particularly on serious antisocial behaviour cases. We currently have a Gold Service Level Agreement in place with the CRU to provide expert help and assistance in responding to and dealing with reports of antisocial behaviour, particularly with regard to more serious and/or complex cases. We purchase these services from Glasgow City Council on a per housing unit basis and the contract is reviewed annually. CRU will provide us 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. We will also refer cases to CRU if a perpetrator fails to make the required changes to their behaviour, generally after we have issued two tenancy warnings. After referral to CRU, we 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.

- *Police Scotland*, where suspected criminality is involved. We have several local arrangements in place whereby we attend regular meetings and have good working relationships with community policing teams, Problem Solving Teams and joint initiatives at neighbourhood level. We may also act as an advocate for our communities, to influence local policing priorities and use of resources.
- *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 our neighbourhoods. We may also seek their support when dealing with concerns about the protection of children or vulnerable adults that may become apparent during investigations into antisocial behaviour.

7.5 We may seek to resolve or reduce antisocial behaviour at neighbourhood level, through environmental measures, or through resident involvement activities, or our community development and support services.

What Tenants Can Do To Help Resolve Antisocial Behaviour

7.6 We cannot address anti-social behaviour alone. There are several things that we expect our tenants to do to help us. These include:

- Being aware of the mixed society we live in and show tolerance to other people who may have a different background or lifestyle, be of a different race, ethnicity, disability, sexual orientation, gender, age, cultural or religious beliefs
- Realising that your enjoyment of life at home should not cause a neighbour any distress
- Speaking to neighbours when a problem arises, using a friendly approach. Discussing the problem may resolve it much quicker and with less ill feeling than involving us.
- Read and understand the terms of your tenancy agreement and ensure that all behaviour complies with this.
- Make children and visitors aware of the need for good, neighbourly behaviour.
- Reporting incidents to us and other relevant agencies such as Police Scotland or the Council.
- Keep us informed of details of ongoing problems.
- Assist us with keeping records of nuisance and antisocial behaviour by providing dates and times of incidents for example
- Avoid making malicious or vexatious complaints which are complaints without basis.
- Understand that we will use a range of measures to try and address antisocial behaviour and resolve problems depending on the severity of the case.
- Legal Action is not appropriate in all cases and if we do decide to take such action it will be a last resort.

- Understand the limitations we have as a landlord when trying to deal with cases of anti-social behaviour.
- Co-operate with us in trying to resolve anti-social behaviour, including attempting mediation.

8. PREVENTATIVE MEASURES

- 8.1 Prevention and early intervention are important aspects of our approach to managing neighbour disputes and antisocial behaviour.
- 8.2 We will make all of our tenants aware of the terms of their tenancy agreement, and of how to make a complaint.
- 8.3 If we are investigating a complaint of antisocial behaviour, we will reinforce tenancy obligations at the outset, and specify where they have not been met.
- 8.4 The feedback we receive from tenants and residents 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.
- 8.5 We will collect and analyse quality monitoring information about antisocial complaints, to help us identify and act upon emerging trends or problem areas.
- 8.6 We may suspend housing applicants from receiving offers of rehousing if they have previously acted in an antisocial 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.
- 8.7 We continue 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 antisocial behaviour.

9. CATEGORISATION OF COMPLAINTS

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

CATEGORY A - Very Serious Complaints

Complaints which concern drug dealing; criminal behaviour involving serious incidents of violence or threats of violence towards any member of the public including members of staff or our contractors; serious assault; serious harassment; racial harassment; or other

hate crimes, 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 by a Housing Officer as Estate Management issues.

9.3 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.

9.4 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, conviction for drug dealing, serious harassment or hate crime, violence or serious threats of violence.	Category A	40 days
Assault, disturbances, allegations of drug dealing, aggressive or abusive behaviour, 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

9.5 Our 'Target Timescale for Resolution' refers to the length of time taken for us to take the appropriate action at each stage of an anti-social complaint. This does not necessarily mean that the anti-social behaviour will have stopped, but that we have actioned it appropriately based on the evidence we have available; or that the case is being dealt with by a partner agency such as Police Scotland; or that it has progressed to legal action and is subject to the timings of Glasgow Sheriff Court.

10. MAKING AND RECEIVING COMPLAINTS

Making Complaints

- 10.1 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 Glasgow City Council Community Relations Unit for investigation, with the Complainer's agreement.
- 10.2 We will accept complaints in whatever way the complainer prefers, including:
- By letter or email
 - By telephone
 - By asking a third party to contact us on the complainer's behalf (such as a family member, carer, support worker, advice agency or elected representative).
- 10.3 We will offer any help needed to complete the relevant paperwork. We will offer suitable assistance if there are any barriers to communication.
- 10.4 We will make ensure 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

- 10.5 If a complaint is made by an owner, sharing owner or private sector tenant against an Southside Housing Association tenant then we will investigate the complaint and liaise directly with both the alleged perpetrator and the complainant.
- 10.6 If the complaint is against an 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 antisocial complaint.

Initial Actions Taken by Us

- 10.7 When we receive 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 antisocial behaviour or criminality may be involved
 - Identifying the category of the complaint and the action required.

Anonymous complaints and complaints from reluctant witnesses

- 10.8 We will accept and record anonymous complaints and complaints from reluctant witnesses, however we encourage complainants to feel assured that we are a trusted organisation and that they should feel confident that their personal identifiable details are protected and respected by us and not shared with the alleged perpetrator.

Third Party Reporting

- 10.9 We are a designated Hate Crime Third Party Reporting Centre. This means that SHA will assist and facilitate individuals who do not feel able to report Hate Crime directly to Police Scotland or other agencies. We will also help residents to report antisocial behaviour complaints to Police Scotland and the Community Relations Unit. This will involve us 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 Police Scotland as soon as possible.

Vexatious Antisocial Complaints

- 10.10 A vexatious antisocial complaint can be defined as a complaint (or a series of many) that is specifically being pursued causing inconvenience, harassment or annoyance.
- 10.11 We will investigate all antisocial complaints and will respond professionally, 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.
- 10.12 Even though someone has made vexatious antisocial complaints in the past, it will not be assumed that the next complaint is also vexatious. Each case will be considered and investigated, and a decision made as to whether it is vexatious or genuine based on the evidence gathered. We would however be mindful not to treat an antisocial 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.
- 10.13 Vexatious complaints are covered in more detail in our Unacceptable Actions Policy.

11. INVESTIGATION OF COMPLAINTS

Complainer Interview

- 11.1 A member of the Neighbourhood Team will interview the Complainer within the following target timescales:

Category A complaints: 2 working days
Category B complaints: 5 working days
Category C complaints: 5 working days

11.2 At the end of the interview, we will:

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

Alleged Perpetrator Interview

11.3 If there is a relevant complaint to investigate further, a member of the Neighbourhood Team (and/or the Community Relations Unit, if this is agreed) will interview the Alleged Perpetrator in person within the following target timescales:

Category A complaints: 5 working days
Category B complaints: 7 working days
Category C complaints: 7 working days

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

Substantiating Allegations

11.5 We 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.
- Police Scotland, the Community Relations Unit 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.
- The alleged perpetrator has admitted to an incident reported by a single Complainer.

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

11.7 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.

- 11.8 If we conclude that a complaint has not been substantiated due to a lack of evidence, we will generally close the case and notify the complainer and the alleged perpetrator.
- 11.9 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, we may decide to continue to monitor the situation or we may discuss the circumstances with the Community Relations Unit, to agree whether a referral to them should be considered.

12. ACTION IN RESPONSE TO SUBSTANTIATED COMPLAINTS

- 12.1 If a complaint is substantiated, our Neighbourhood 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 prevent it moving forward.

Neighbour Disputes

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

Acceptable Behaviour Contracts (ABCs)

- 12.3 An Acceptable Behaviour Contract (ABC) is a voluntary agreement between us and an individual, or between an individual and relevant partners such as the Community Relations Unit.
- 12.4 We 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 Warning.
- 12.5 Should a perpetrator refuse to sign an ABC, we will proceed to issue a First Written Warning.

Tenancy Warnings

- 12.6 A tenancy warning is a formal warning issued in writing to a tenant where they are in breach of their tenancy agreement. We will issue this in relation to antisocial behaviour if an investigation has confirmed that antisocial behavior has taken place.

First Warning

- 12.7 We may issue a First Warning in writing where we are satisfied that antisocial 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.
- 12.8 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

- 12.9 If further complaints are made during the period of the First Warning, we will investigate as before. Depending on our findings, we may issue a Second Warning after considering all relevant circumstances.
- 12.10 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.
- 12.11 As before, we will monitor the case for a period of 3 months and stay in contact with both the perpetrator and the complainer.
- 12.12 If further justified complaints are made within this period, we will normally refer the case to the Community Relations Unit for further advice and/or action.
- 12.13 If there have been no further incidents during the three month monitoring period, we will close the case when notified of the outcome by the Community Relations Unit. 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

- 12.14 Referrals to the Community Relations Unit will be managed in accordance with the Service Level Agreement and agreed procedures we have in place. These arrangements can be varied, as circumstances require.

Legal Remedies

- 12.15 If further incidents occur after cases are referred to the Community Relations Unit, both the Community Relations Unit and the Association will generally enter into discussions about whether legal action should begin.
- 12.16 The legal remedies potentially available to the Police and the local authority under the Antisocial Behaviour Etc. (Scotland) Act 2004 include:

- Arrest, for criminal behaviour
- Antisocial Behaviour Orders (ASBOs)
- Dispersal of groups powers
- Closure of premises powers
- Noise – powers to seize noise equipment
- Fixed penalty notices.

12.17 The legal remedies potentially available to us 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).
- Antisocial 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.

12.18 Our general policy will be to consider legal action only for the most serious or persistent antisocial behaviour cases and where reasonable attempts at resolution has failed.

12.19 When a case reaches the legal action stage, we 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 our Solicitor agrees that a satisfactory case has been built.

12.20 We have the right to provide a Short Scottish Secure Tenancy (SSST) if there is evidence of serious antisocial behaviour. This may involve converting the tenancy of an existing Southside Housing Association tenant to a SSST or offering a SSST to a new tenant.

12.21 In such cases, the SSST 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 SSST may also be applied.

13. CONFIDENTIALITY, DATA PROTECTION AND INFORMATION EXCHANGE

- 13.1 In managing antisocial behaviour complaints, we will respect the privacy and confidentiality rights of the individuals involved. This includes the complainer, witnesses and the alleged perpetrator.
- 13.2 We may exchange information with external agencies, in accordance with the our Fair Processing Notice.

14. MONITORING AND DELEGATED AUTHORITY

- 14.1 The Neighbourhood Team will:
- Maintain detailed antisocial behaviour case files
 - Monitor information about complaint volumes and types, actions taken and outcomes
 - Provide the Board with quarterly reports about antisocial complaints, including increases in complaints in particular areas
 - Provide the Board with a quarterly and annual report about complaints, to support oversight of performance, and awareness of the range of remedies used and outcomes achieved.
- 14.2 The Director of Housing and Communities 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.
- 14.3 The Board has authority to decide whether to carry out an eviction.
- 14.4 All case details will be considered by the Board and the Director of Housing and Communities before action is taken and eviction is always a last resort once all other supports and steps have been exhausted.
- 14.5 In accordance with our legal obligations, we 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

- 15.1 A tenant may submit a complaint if they feel that we have failed to apply this Policy correctly, or if they are dissatisfied with the standard of service we have provided.

- 15.2 All complaints will be dealt with in accordance with our Complaints Handling Procedure. Tenants also have the right to refer complaints to the Scottish Public Services Ombudsman, if they have exhausted our Complaints Handling Procedure and remain dissatisfied with our response.
- 15.3 Any tenant with a SSST 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 Director of Housing and Communities will conduct any such reviews within 14 days of receipt.
- 15.4 A tenant can request a review of our decision to grant a SSST, including the conversion of an existing Scottish Secure Tenancy. The Director of Housing and Communities will conduct any such reviews, and the tenant will have a further right of appeal to the court.

16. RISK MANAGEMENT

- 16.1 Effective management of risks is critical, so that we secure the right outcomes for victims of antisocial behaviour and preserve the quality and popularity of our neighbourhoods as good places to live. At the same time, we must act fairly towards all parties.
- 16.2 We will be proactive in managing risks and will do this by:
- Seeking to prevent antisocial behaviour by making sure that all of our 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 alleged perpetrators
 - Providing support to victims of antisocial behaviour
 - Working closely with our partners, particularly on serious or persistent complaints
 - Using the legal remedies available to us to stop antisocial behaviour, when required

17. POLICY REVIEW AND CONSULTATION

- 17.1 This Policy will be reviewed in 3 years or sooner 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 and partner organisations.

Appendix 1 Other Legislation Relevant to Antisocial 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 Antisocial 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 UK General Data Protection Regulations (UKGDPR)	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.



