

Introduction and Overview

Yoker Housing Association agrees to promote tenants' peaceful enjoyment of their environment and aims to allow tenants to live in their home without undue disturbance or disruption from others.

These procedures will apply where there is an Association tenant involved in the anti-social behaviour or involves members of or visitors to those households and will run in conjunction with the Anti-social Behaviour and Neighbour Nuisance Policy, Harassment Policy, Estate Management Policy, Community Relations Unit (CRU) procedures, legislation and best practice.

Aims and Objectives

All service users should be treated with courtesy, respect, fairness and utmost sensitivity. Complaints should be treated sympathetically and investigated promptly and all parties involved should be kept informed of developments and outcomes. In all complaints, early assessment and intervention is essential. Where complaints have been substantiated all preventative measures and remedies should be considered, including partnership working, to resolve issues. All information received should be treated as confidential, except where it is needed as part of the investigation and where permission has been granted by those involved.

Antisocial Behaviour and Neighbour Nuisance Procedures

The fundamental aim of dealing with reports of neighbour nuisance and complaints is to resolve the issue. Housing Management staff should attach a high priority to dealing with these issues but it should be emphasised that every case is different and staff must use their discretion when deciding the most appropriate method to achieve resolution. There should also be care in not pre-judging the complaint as the receipt of a complaint does not necessarily mean that it is justified or that the allegations are correct.

There are different categories and severity of neighbour complaints / nuisance ranging from lifestyle disputes, conflict between neighbours to serious anti-social behaviour. At times, it can be difficult to identify the category of complaint and the most appropriate action to remedy that complaint. As well as categorising the type of complaint and the incidences of anti-social behaviour, the records should indicate what action was taken to resolve the complaint and the outcomes.

Care should be taken not to jeopardise the complainant's safety while investigating their complaint. The name of the complainant should not be disclosed to the subject of the complaint or to a third party, unless consent has been granted. However, complainants should be made aware that in order to resolve serious or persistent complaints it may be necessary to involve other residents, witnesses or agencies.

We shall work with partners to manage complaints across multi tenure properties, however, where there are limited actions that the Association can take we will advise the complainant of the limitations and advise of the options they themselves might exercise and support agencies they can engage for independent advice and assistance.

It is important that full and accurate details of interviews and action taken during the course of the complaint process are recorded in a standardised format.

The primary aim of this procedure is to provide a framework that ensures complaints of neighbour nuisance and anti-social behaviour are investigated fairly and effectively. This document outlines the Association's procedures in relation to the following sections:

1. Accepting a Complaint
2. Recording a Complaint
3. Responding to a Complaint
4. Outcome of Investigations
5. Appropriate Action
6. Monitoring and Performance Indicators

1. Accepting a Complaint

A complaint about neighbour nuisance or anti-social behaviour should normally be, but does not have to be, in writing. It can come from the person suffering from the nuisance by visiting or telephoning the office, writing to the office or, on their behalf, by a councillor, MSP, Citizens Advice Bureau, Social Work Services, Shelter, Police or other agency.

Informal Interview

If the complaint is of a minor nature, and there is no risk of violence, Housing Management may suggest to the complainant to discuss the problem with the subject of complaint in order to seek a quick and amicable resolution.

Written / Telephone Complaint

Where complaints cannot be resolved amicably, the complainant should be encouraged to record the details of their complaint in writing by completing a Complaint Form. Guidance notes on the complaints process should be attached to the form.

Anonymous Complaints

Housing Management will accept anonymous complaints from reluctant witnesses and will treat such complaints in accordance with this procedure to ensure the objective of early intervention and prevention. There are generally two reasons why complaints are made anonymously;

- They are not genuine and made with malicious intentions.
- They are genuine and anonymous for fear of reprisals.

The acceptance and investigation of anonymous complaints should be handled very sensitively. Housing Management staff should use their discretion regarding the handling of the complaint. If the reason for the complaint is fear of reprisals, contact should be made with the Community Relations Unit and advice sought regarding the case and a possible referral.

2. Recording a Complaint

When a complaint is received, Housing Management will record the complaint in the Neighbour Nuisance & Anti-Social Complaints Register. Each case will be allocated a reference number. Where several complaints are received for the same incident then one reference number should be applied. The reference number should be noted on all correspondence.

The Investigating Officer should assess the category and grade of the complaint, referring to Appendix 1 (Assessment of Complaint) for guidance. This will depend on the nature and the severity of the complaint. Generally, the action required will be determined by the seriousness of the complaint and based on the knowledge of any other circumstances or history.

All communications, including reports, photographs and supporting information, should be held in Neighbour Nuisance & Anti-Social Behaviour Complaints Folder and Computer Complaints Casework Folder, in reference order. A standard format of letters and forms should be used to ensure standard recording.

A summary of the complaint process should be recorded using the Complaints Synopsis, including verbal communication, and should reflect details of the complaint, actions and outcomes.

3. Responding to the Complaint and Investigations

When a complaint is registered then the Investigating Officer should make every attempt to interview the complainant within one working day for a Grade A complaint and five working days for all other complaints. The purpose of the interview is to identify the facts, gather relevant information and ascertain if anyone else was involved or witnessed the incident. In consideration of the complainant's security and anonymity, the complainant should be offered the opportunity for the interview to be carried out at the Association's office or by telephone rather than in their home. To enable the Association to monitor performance and targets, this timescale will be recorded on the Monitoring and Performance Report and reported to the Management Committee on an annual basis.

Where the complaint involves a tenant and a non-Association tenant, every attempt should be made to resolve the problem informally. If this is not possible, the Investigating Officer may offer alternative remedies such as Glasgow City Council, Community Relations Unit or Mediation Services.

If the case involves physical violence between two parties or criminal behaviour, the complainant must be advised to contact Police Scotland for advice and assistance. If a complainant reports an incident to the Police then the Incident Number should be noted. Where the behaviour is corroborated, the Investigating Officer should make a referral to Glasgow City Council, Community Relations Unit and take the appropriate action against the perpetrator. The needs of victims to be rehoused will be considered by Housing Management staff in accordance with the Lettings Policy.

Interviewing the Complainant

When interviewing the complainant they should be made aware of the anti-social / neighbour complaints process and likely timescales / limitations involved to counter strong expectations that the complainant may have about the matter being resolved quickly. The complainant should be advised of the options available and agree the most appropriate plan of action to resolve the matter. The complainant should be provided with details of any other support details that may be able to offer advice and assistance.

If the complainant agrees to log complaints then a Neighbour Nuisance Incident Diary should be issued and it should be explained how the diary should be used and why it is important. The complainant should be encouraged to keep the Association informed of all incidents and report serious nuisance or criminal behaviour to the relevant authorities.

Investigation of the Complaint

In all cases the first step should be to refer to any previous history details and, where known, liaise with other agencies to establish if either the complainant or the subject of complaint has either a support worker or any other agency involvement. Where appropriate, the Investigating Officer should contact any service involved to advise that a complaint has been received and that support may be required.

Where it appears that a problem may have been caused, or exacerbated by, an unmet need for support or Social Work intervention, Housing Management staff may informally approach the appropriate agency to ascertain if assistance can be provided. Where a case is particularly complex or further guidance required then the Investigating Officer should contact Glasgow City Council, Community Relations Unit for advice and assistance. Where appropriate, attendance at interviews should be arranged.

3. Responding to the Complaint and Investigations (Continued)

When investigating the complaint the Investigating Officer should:-

- interview witnesses;
- visit / telephone surrounding neighbours for their views;
- source reports from other agencies such as Police Scotland or Community Safety Services; and
- obtain photographic evidence.

to establish if the complaint can be corroborated. The Investigating Officer should use their discretion at this stage and must not disclose the identity of the complainant. Details of interviews and evidence should be recorded on the Complaints Synopsis and held in the Anti-social Complaints Folder in the case file.

Interviewing the Subject of the Complaint

When investigations are complete the Investigating Officer should seek to arrange a formal interview with the subject of complaint. Interviews should be held at the Association's office with two Officers in attendance. The Investigating Officer should adopt a diplomatic and non-judgemental approach at this stage. Care should be taken not to inflame the situation between the neighbours and the identity of the complainant must not be disclosed.

Housing Management staff must consider their personal safety when carrying out such interviews and should emphasise that they are not there to take sides but to establish their view of the situation and gather facts to assist with the investigation. Without prejudicing, the subject of complaint can be advised of what steps the Association has taken to ascertain whether a breach of tenancy has been committed and what options the Association can take if a breach has been committed.

4. Outcome of Investigation

When investigations into the complaint are complete then the following outcomes should be applied:

- Non Response By the Subject of Complaint
If the subject of complaint fails to attend two arranged appointments and does not respond then the Investigating Officer should take the most appropriate action based on the evidence sourced. Further action should not be taken unless the complaint is substantiated.
- Complaint Not Substantiated
If insufficient evidence or no evidence is identified to substantiate the complaint, the Investigating Officer should close the case and notify the complainant and subject of complaint. Frequent unsubstantiated complaints may be appropriate for a letter to the complainant to advise no further complaints will be registered without corroborating evidence and / or advice sought from Glasgow City Council, Community Relations Unit.
- Complaint Substantiated or Substantiated in Part
Generally, a complaint may be considered substantiated if:
 - (a) two independent complainants confirm the same specific incident;
 - (b) a single complaint about a specific incident is confirmed by Police attendance and action (ie caution or charge);
 - (c) a single complaint about a specific incident is confirmed by Glasgow City Council, Community Relations Unit, Noise Service or other Anti-social Taskforce taking action (issuing an anti-social behaviour notice, warning notice or fixed penalty notice);
 - (d) CCTV or photographic evidence confirming an incident (e.g. vandalism, gang fighting);
 - (e) a single complaint about a specific incident confirmed by an admission from the Perpetrator.

5. Appropriate Action

Prior to taking the appropriate action, the Investigating Officer should consider all relevant circumstances connected with the subject of the complaint and liaise with support agencies such as Restorative Justice, Social Work Services, Mediation, Alcoholics Anonymous, Mental Health, Drugs Crisis Centre; with the objective of assisting the subject of complaint to remedy the behaviour in the most effective way possible.

Where there is an unsubstantiated complaint, insufficient evidence exists or the complaint is withdrawn then the complaint will be downgraded to a Grade D and the complainant and subject of complaint advised of the outcome.

If following the investigation, corroborating evidence exists or the subject of complaint accepts the allegation then the Investigating Officer should identify the most appropriate action to remedy the situation. The seriousness of the conduct will influence what action the Association will take at this stage.

Written Warnings

In all case of issuing a written warning, the following standard information should be contained within the body of the letter:

- remind the tenant of their tenancy agreement obligations, referring to the appropriate section;
- specify / explain the behaviour that is not acceptable;
- where appropriate, offer assistance or details of support agencies;
- advise that failure to remedy the behaviour will result in further action being taken.

A list of appropriate outcomes as detailed below should be used as guidance

- **Tenancy Reminder (Grade C):** to be issued when there is sufficient evidence that there has been a breach in tenancy. If further complaint is received or the offending behaviour is still persisting then a Tenancy Warning Notice should be issued.
- **Tenancy Warning (Grade C):** to be issued when the complaint is founded and is of a very minor nature. The complaint should be monitored for a period of three months. If further complaints or feedback is received to corroborate the offending behaviour is still persisting during the notice period then a First Warning Notice should be issued.
- **First Written Warning (Grade C & B):** to be issued when (a) the complaint is founded and is of a minor nature and warrants action and (b) a tenancy warning notice has been breached within the notice period. The complaint should be monitored for a period of six months. If further complaints or feedback is received to the offending behaviour is still persisting during the notice period then a Second Written Warning should be issued.
- **Second Written Warning (Grade A):** to be issued when (a) the complaint is founded and is of a very serious nature (b) a First Written Notice has been breached within the notice period (c) the subject of complaint has refused support or has not maintained the support package agreed with the assistance of another support Agency, e.g. Glasgow City Council Social Work Services, Mental Health Agencies and the offending behaviour has not been remedied. The complaint will be monitored for a period of one year. If further complaints or feedback is received, during the notice period, to corroborate the offending behaviour is still persisting then Glasgow City Council, Community Relations Unit should be contacted for advice and assistance. The leaflet on the role on Glasgow City Council, Community Relations Unit should be enclosed with the letter.

5. **Appropriate Action** (Continued)

Referral to Glasgow City Council, Community Relations Unit

A referral to Glasgow City Council, Community Relations Unit should be considered when:

- investigations have been carried out and are not substantiated however complaints continue to be made;
- category B complaints / behaviour where a Second Written Warning notice has been issued and the offending behaviour has not been remedied;
- category A complaints / behaviour should be automatically considered for referral;
- where an anti-social notice has been issued by another agency.

It should be noted that referrals are not restricted to the above criteria. There may be occasions when Glasgow City Council, Community Relations Unit becomes involved at an earlier stage dependant on individual circumstances of the case. Investigating Officers should not hesitate to seek advice from the Glasgow City Council, Community Relations Unit if a referral is considered appropriate.

Referral to Mediation Services

Mediation is an extremely valuable method to address neighbour relations disputes. Mediation can be actively considered in all neighbour disputes at an early stage in an effort to resolve disagreements. However, Mediation should not be ruled out at any point of an investigation unless criminal or serious action is involved. Referrals to Mediation Services should be made by contacting Mediation Services for advice.

Legal Action

Where legal action is to be initiated, then the Investigating Officer should take the most appropriate legal option available to remedy the situation e.g. Anti-Social Behaviour Order or Notice of Proceedings. All Court action must be fully discussed with the complainant and the legal process explained to those who may be called upon as a witness in Court. The subject of the complaint must also be notified of legal proceedings and advised to seek independent advice.

- Anti-Social Behaviour Order

Where an Anti-Social Behaviour Order is to be pursued then the Investigating Officer should contact Glasgow City Council, Community Relations Unit for advice and assistance.

Action Not Granted: The Investigating Officer should ensure data files are updated providing all details of the Hearing and advise the complainant of the outcome.

Action Granted: The Investigating Officer should ensure that data files are updated providing all details of the Hearing and the Anti-social Behaviour Order reviewed as required by court processes.

- Notice of Proceedings

Where a notice of proceedings is served for a breach of tenancy, then the notice should specify whether the action is for eviction, compulsory transfer, and a specific implement to enforce a tenancy condition or an interdict.

5. Appropriate Action (Continued)

A Notice of Proceedings and guidance notes should be prepared and signed by the Housing Officer in accordance with the appropriate legislation. In accordance with good practice and reasonableness, the Notice will provide at least twenty-eight days notice before commencing court proceedings. The Notice must be served by two Association staff members and a record of service attached to the Notice. Where there is a joint tenancy, a Notice of Proceedings must be served on each of the tenants. A Notice must also be served on each qualifying member of the household. Copy Notices should be kept on computer and house files.

The Investigating Officer should instruct the Association's solicitor to initiate legal action and ensure that they are in possession of all necessary information for Court Hearings, including any the investigation files from Glasgow City Council, Community Relations Unit.

Action Not Granted: The Investigating Officer should ensure data files are updated providing all details of the Hearing and advise the complainant of the outcome.

Action Granted: The Investigating Officer should ensure that data files are updated providing all details of the Hearing. The Investigating Officer should prepare a full report for the Management Committee. The Association's Management Committee must take the decision on whether or not to enforce the action. If the action is to be enforced, then the Investigating Officer should notify the subject of the complaint immediately and, where appropriate, support agencies notified.

- Short Scottish Secure Tenancy Agreement

The Association may consider granting a Short Scottish Secure Tenancy (SSST) in cases involving anti-social behaviour. The Association can consider:

- Granting a SSST to a new tenant where that person, a visitor to their current accommodation, or a person that is likely to live with that person has, in the last three years, behaved anti-socially towards another person living in, visiting or carrying out lawful activity in the locality of the house occupied by the new tenant or by a person who is proposed to reside with the new tenant.
- Convert a Scottish Secure Tenancy (SST) to a SSST where the tenant, person living with or lodging with the tenant or any sub-tenant, has within the last three years behaved anti-socially towards another person living in, visiting or carrying out lawful activity in the locality of the house.

Prospective Tenants

If the Association decides to offer a SSST to a prospective tenant on the basis of anti-social behaviour, the investigating officer must issue a notice to the prospective tenant(s) that sets out the grounds for a SSST and the term if the tenancy.

Existing Tenants

Where the Association decides to convert an existing SST to a SSST, the investigating officer must issue a notice to the tenant advising them that their SST is being converted because of anti-social behaviour.

Housing Support Services

When offering or converting a tenancy to an SSST, the investigating officer must arrange for the provision of any housing support to the tenant that it considers appropriate. This to encourage and support positive change in behaviour to help the tenant to sustain their tenancy and have the tenancy converted at the end of the term.

Term of an SSST

Any SSST granted on the basis of anti-social behaviour will be for twelve months from the date that the tenant is granted or the date the tenant is served with a notice converting the SST to a SSST.

5. **Appropriate Action** (Continued)

At the end of the twelve month term the SSST cannot be continued by tacit relocation. The tenancy will automatically convert to an SST at the end of the twelve month period unless:

- The Association extends the term of the SSST for a further six months; or
- Takes steps to recover the property.

Extension of a SSST

The Association can extend the SSST for a further six months from the date which would have been the expiry of the twelve month tenant. In order to extend the tenancy, the tenant must be in receipt of housing support services and must have been served with a notice no less than two months before the date of expiry informing them of the extension and reason for the extension.

- Streamlined Eviction Process

The Association may consider initiating the streamlined eviction process where the tenant, any joint tenant, a person residing or lodging in the house or sub-tenant or person visiting the house has been convicted of

- Using the house or allowing it to be used for immoral or illegal purposes, or
- An offence punishable by imprisonment committed in, or in the locality of the house.

The streamlined eviction process removes the requirement for the court to consider whether it is reasonable to grant an order for eviction. When deciding whether or not to initiate the streamlined eviction process advice should be sought from the Association's solicitor and Glasgow City Council, Community Relations unit.

Prior to using the streamlined eviction process the investigating officer will seek to evidence the conviction by obtaining an extract conviction from the court. Where a decision is taken to initiate the streamlined eviction process the investigating officer must serve a notice of proceedings on the tenant. The notice of proceedings must be served before the first anniversary of the date of conviction or in cases where the conviction was appealed, the day on which the appeal was dismissed or abandoned.

A notice of proceedings and guidance notes should be prepared and signed by the Housing Officer. The notice will provide at least twenty-eight day' notice before commencing court action and must be served by two Association staff members and a record of service attached to the notice. Where there is a joint tenancy, a notice of proceedings must be served on each of the tenants. A notice must also be served on each qualifying member of the household. Copy notices should be kept on computer and house files.

During the course of court proceedings, the investigating officer must keep the Association's solicitor advised of any contact made with the perpetrator or their representatives and keep the complainant advised of actions, implications and outcomes.

6. Monitoring and Performance Indicators

The Housing (Scotland) Act 2001 makes provision for a single regulatory framework for local authorities and Registered Social Landlords. There are a series of standards and outcomes that are published in the Scottish Social Housing Charter (SSHC) and the Association's performance in relation to these standards and outcomes are monitored by the Scottish Housing Regulator

The Association is committed to the delivery of a continuously improving neighbour nuisance and anti-social behaviour service. We will monitor and analyse perceptions of anti-social behaviour through surveys and interviews to establish how residents feel about their neighbourhood. Performance under this policy will be monitored by reports including the number of complaints of anti-social behaviour under each category, the involvement of Glasgow City Council, Community Relations Unit, number of days taken to address the complaints against targets and the outcomes of each complaint.

Locally agreed targets attached to responding to the complaint and contacting the complainant were set as follows:

Grade A	1 working day to respond to the complaint
Grade B	5 working days to respond to the complaint
Grade C	5 working days to respond to the complaint

The Management Committee shall agree the policy and procedures for anti-social behaviour including harassment, disputes and complaints. The Management Committee must always authorise eviction and the granting of a new tenancy where required.

APPENDIX 1

Assessment of Complaint

There are different categories of neighbour complaint ranging from lifestyles disputes, conflict between neighbour, breaches of tenancy to criminal behaviour. It is recognised that it is unlikely that all complaints will fit neatly within one category, however the complaint should be categorised in the general term of cognisance of previous case history and nature of complaint. To assist with this process, guidance on Categories A, B C and D and examples of types of complaint have been listed below. However, it should be noted that the list is not exhaustive.

Category D – Complaint unfounded / insufficient evidence / withdrawn	Unfounded
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Category C - Nuisance (low level)	Category
<ul style="list-style-type: none"> neighbour dispute or clash of lifestyles 	Neighbour Dispute
<ul style="list-style-type: none"> estate breach in tenancy for cleanliness of common areas, leaving rubbish / obstructing common areas or untidy garden. 	Environmental
<ul style="list-style-type: none"> dog fouling and dog nuisance (barking and lack of control) 	Dog Nuisance
<ul style="list-style-type: none"> noise breach in tenancy, loud domestic appliances, inconsideration, loud footfall, fixed flooring, noisy children, banging doors 	Noise Domestic
<ul style="list-style-type: none"> loud music, noisy visitors in house / common areas and parties. 	Noise Pollution

Category B – Anti-Social Behaviour (intermediate level)	Category
<ul style="list-style-type: none"> persistent complaint of neighbour nuisance or dispute 	Neighbour Dispute
<ul style="list-style-type: none"> persistent complaint of breach in tenancy as above in Category C 	Environmental
<ul style="list-style-type: none"> persistent dog nuisance as above in Category C and dog fouling notice 	Dog Nuisance
<ul style="list-style-type: none"> persistent complaint domestic noise as above in category C 	Noise Domestic
<ul style="list-style-type: none"> persistent complaint of anti-social behaviour – regular parties, excessive music, frequent disturbance and nuisance by tenant and visitors 	Anti-Social Behaviour
<ul style="list-style-type: none"> acts of harassment against the household 	Harassment
<ul style="list-style-type: none"> acts of criminal behaviour / damage to include assault, violence, aggression and threatening behaviours and acts of vandalism 	Criminal

Category A – Serious Anti-Social Behaviour (high level)	Category
<ul style="list-style-type: none"> persistent complaint of breach in tenancy as above in Category B 	Environmental
<ul style="list-style-type: none"> persistent dog nuisance as above in Category B and dangerous dogs Act 	Dog Nuisance
<ul style="list-style-type: none"> persistent complaint domestic noise as above in category B 	Noise Domestic
<ul style="list-style-type: none"> persistent complaint of anti-social behaviour as above in Category B 	Anti-Social Behaviour
<ul style="list-style-type: none"> acts of harassment including racial harassment and sectarian harassment and abuse 	Harassment
<ul style="list-style-type: none"> Criminal Behaviour / Damage to include serious criminal charge, assault, drug dealing, property being used for immoral / illegal purposes, violence and threatening behaviours, public nuisance, fire raising, prostitution, acts of vandalism, 	Criminal