

FORTH HOUSING ASSOCIATION LIMITED
ANTI-SOCIAL BEHAVIOUR POLICY

Governance: Housing Management

Code: HM04

Approved: August 2025

Review Date: August 2028

Cross Reference:

HM 03 - Allocation Policy
HM 07 - Estate Management Policy
HM 09 - Harassment Policy
HM 13 - Pets Policy
GOV 03 Data Protection Policy
GOV 09 Equalities Policy
EVH Health and Safety Control Manual



This document can be made available in alternative languages or formats (such as large print, audio etc.). Please contact staff as required.

Policy Summary

This policy has been developed to define the behaviour and conduct that Forth Housing Association classes as anti-social behaviour and to set out the framework of actions that will be taken when responding to complaints received.

Equalities

No equalities issues have been identified in the Equalities Impact Assessment Screening Questions (see Appendix 1) and there is therefore no requirement to complete a full Equality Impact Assessment.

Privacy

There is no requirement to complete a full Privacy Impact Assessment as there is no change to any data collected associated with the implementation of this policy (see Appendix 2).

Policy Owner

Name: Head of Housing Services

Date of Next Review: August 2028

1.0 Introduction and Background

- 1.1 Forth Housing Association Limited is committed to helping tenants to sustain their tenancy and maintain peaceful, enjoyable environments for all our residents. We also acknowledge however that anti-social behaviour can occur and that when our tenants are experiencing this it can have a significant impact on the enjoyment of their home and their wellbeing. We expect our tenants to adhere to the conditions of their tenancy agreement with the Association, respect the lifestyles of other tenants and to act reasonably and with consideration for other residents. We will take all reasonable steps to prevent anti-social behaviour occurring and will take appropriate and effective action when it does. Where appropriate, we will also work closely with other agencies involved in dealing with anti-social behaviour.
- 1.2 This policy aims to define behaviour which would be classed as anti-social behaviour and sets out a framework for the way in which the Association will deal with incidents and complaints relating to anti-social behaviour. The policy applies to all of the Association's tenants and other customers.
- 1.3 The policy has been developed to ensure that the Association meets all relevant legislative and regulatory requirements as well as best practice guidance. These include the Equalities and Neighbourhood and Community outcomes set out in the Scottish Social Housing Charter:

1. Equalities - Social landlords perform all aspects of their housing services so that they support the right to adequate housing; and every tenant and other customer has their individual needs and rights recognised, is treated fairly and with respect, and receives fair access to housing and housing services.

6.Estate Management, Anti-Social Behaviour, Neighbour Nuisance and Tenancy Disputes - Social landlords, working in partnership with other agencies, help to ensure as far as reasonably possible that tenants and other customers live in well-maintained neighbourhoods where they feel safe.

- 1.4 This implementation of the policy will be supported by detailed procedures which will assist Association team members in dealing with incidents of anti-social behaviour and offer appropriate responses, action and support.

2.0 What is Anti-Social Behaviour

- 2.1 *The Anti-social Behaviour (Scotland) Act 2004* states:

A person engages in anti-social behaviour if the person –

(a) acts in a manner that causes or is likely to cause alarm, distress, nuisance or annoyance;

or

(b) pursues a course of conduct that causes or is likely to cause alarm, distress, nuisance or annoyance, to a person residing in, visiting or otherwise engaging in lawful activity at, or in the locality of, a relevant house.

2.2 The Anti-social Behaviour, Crime and Policing Act 2014 states:

2 (1) In this Part “anti-social behaviour” means -

(a)conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,

(b)conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises, or

(c)conduct capable of causing housing-related nuisance or annoyance to any person.

2.3 The Association’s Scottish Secure Tenancy Agreement reflects the definition contained in the Housing (Scotland) Act 2001 and defines anti-social conduct as:

‘any conduct causing or likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to anyone’s property. Harassment of a person includes causing the person alarm or distress. Conduct includes speech. A course of conduct must involve conduct on at least two occasions.’

3.0 Policy Aims

3.1 The following aims and principles will guide the Association’s approach to responding to and managing complaints of anti-social behaviour:

- Taking complaints seriously – all reported incidents of anti-social behaviour will be taken seriously, and individuals will be provided with the opportunity to discuss their concerns with a member of our staff team.
- Responding effectively to complaints – we will respond promptly to all complaints of anti-social behaviour, with a focus on early intervention, preventing further escalation and a proactive approach to resolving the reported issues.
- Adopting a firm but fair approach – we will implement a comprehensive and consistent approach to our investigation of and response to reported complaints whilst also respecting the rights of the complainants and the alleged perpetrators.

- Communication and support – we will ensure that we provide regular updates to tenants who have raised complaints about anti-social behaviour and will provide relevant support to the victims of the anti-social behaviour. Confidentiality will be respected at all times.
- A solution focused approach – we will use all relevant powers, legal remedies and best practice guidance available to the Association to prevent anti-social behaviour from taking place and to deal effectively with incidents of anti-social behaviour caused by or affecting our tenants. We will also work closely and collaboratively with other partner agencies involved in preventing and dealing with anti-social behaviour.
- Skills and knowledge – we will deliver a consistent and standardised approach to tackling anti-social behaviour through the provision of relevant training for our staff team members that reflects our solutions focussed approach to service delivery and case management.

3.2 All members of the Association's Housing Services Team will play an important role in responding to and managing complaints received about anti-social behaviour.

- Housing Officers and Assistant Housing Officers will have day-to-day responsibility for the initial response to and investigation of reported anti-social behaviour.
- Housing Officers will take the lead role in the case management of Category A, B and C complaints; with the Assistant Housing Officers assisting with the management of Category C complaints.
- The Senior Housing Officer will monitor progress with complaints management activities, provide direct assistance to the Housing Officers on Category A and B complaints and approve the issue of Notices of Proceedings.
- The Head of Housing Services will provide support and guidance to the team on Category A complaints and has delegated authority to instruct legal action against any tenant determined as being responsible for anti-social behaviour.
- The Management Committee will make the final decision in relation to a tenant being evicted from their home following the granting of an Eviction Decree on the grounds of anti-social behaviour.

4.0 Tenant Responsibilities

4.1 All tenants have a responsibility to keep to the terms of their Scottish Secure Tenancy Agreement, have respect for others and ensure that their households or visitors behaviour does not adversely impact on their neighbours homelife or the neighbourhood. The Association will ensure that tenants are aware of their responsibilities at the start of tenancy and throughout.

4.2 Tenants will normally be expected to try and resolve any dispute with their neighbour directly, in an amicable manner, before the Association gets involved. Where a problem persists, or it is not appropriate for the tenant to

approach their neighbour directly, the Association will get involved. This includes the more serious situations covered by Category A and B complaints noted in Section 7 of this policy.

- 4.3 Tenants in flatted dwellings, particularly those living in blocks with communal stairwells, should expect to experience more noise interactions with other households due to the nature of the building layout. Similarly, tenants living within town centre locations should expect to experience more noise from their surrounding environment.
- 4.4 Tenants expectations can differ significantly. However, tenants will be asked when making a complaint to consider the following:
- Is this a one-off incident?
 - Is it a housing matter?
 - Is it a Police matter?
 - Is it anti-social behaviour?
 - What time of day is it?
 - Is it reasonable behaviour?
 - Is it deliberate behaviour?
 - Is it different lifestyles or a clash of lifestyles?

5.0 What We Will Investigate

- 5.1 We will investigate complaints of genuine anti-social behaviour against or involving our tenants, where the complainant has attempted to resolve matters themselves or we are in receipt of complaints, and the behaviour is ongoing, or the behaviour is of a serious nature, for example:
- Physical assault against an individual/household.
 - Abusive/threatening behaviour towards an individual/household.
 - Any form of harassment or harassing behaviour towards an individual/household.
 - Excessive noise/disturbances from parties and other social gatherings.
 - Excessive noise/disturbances from disputes between neighbours.
 - Malicious damage to the Association's property.
 - Illegal activity from the property or locality of the property where there has been Police involvement.

Complaints where there are ongoing Police investigations will be recorded and actioned appropriately when the Association is involved.

6.0 What We Cannot Investigate

- 6.1 Anti-social behaviour has a different meaning to individual people. Similarly, tolerance levels and the effects of anti-social behaviour can vary from person to person. We understand that tenants have different lifestyles and expectations however we cannot investigate matters such as for example:

- Parking disputes/noise from vehicles not involving Association tenants.
- Noise from everyday living e.g. household appliances/DIY tools (unless continuous, excessive and out with daytime hours).
- Incidents that have not taken place within the locality of the tenant's home or are not housing related matters.

6.2 The Association cannot investigate a complaint where there is an ongoing Police investigation. The Association will however take the lead from the Police and the Association's solicitors on the legal outcome of these investigations and thereafter take the appropriate action, when able to do so. Complaints of this nature will be recorded initially for information purposes. Where it is a housing and / or tenancy related matter, enforcement or legal action could be taken against the tenant by the Association where the outcome of the Police investigation would enable this.

6.3 Anonymous complaints will generally be noted for information. However, anonymous complaints, written or verbal, will be investigated where the complaint described is considered as serious in nature e.g. Police attendance or action is merited.

6.4 The Association will provide relevant support to the victims of domestic abuse and assist them in seeking advice and support from relevant agencies e.g. Homeless Section, Social Work, Victim Support, Women's Aid.

6.5 Complaints regarding hate crime will be reported to Police Scotland by the Association as a third-party reporting authority.

The Hate Crime and Public Order (Scotland) Act 2021 states that the following groups or protected characteristics covered by the hate crime legislation:

- Age
- Disability
- Race, colour, nationality (including citizenship), or ethnic or national origins
- religion or, in the case of a social or cultural group, perceived religious affiliation
- Sexual Orientation
- Transgender Identity
- Variations in sex characteristics

Following Police investigations, the Association will address these incidents under the Harassment Policy.

6.6 Complaints regarding harassment are addressed through the Association's Harassment Policy.

6.7 Complaints regarding pets are addressed through the Association's Pets Policy.

- 6.8 Complaints regarding running a business, the condition of a property or the condition of a garden are addressed through the Association's Estate Management Policy.

7.0 Misuse of Drugs/Criminal Activity

- 7.1 Tenants are required to report incidents regarding drug dealing or criminal activity to the appropriate agencies. For example:

- Current incidents where there is an immediate risk to life should be reported immediately to the Police on the appropriate emergency number.
- Incidents of assault, robbery etc that have taken place should also be reported to the Police on the appropriate number.
- Concerns regarding drug dealing or criminal activity should be reported to Crime Stoppers UK via telephone, email or via their website.

- 7.2 The Association will take the lead from the Police or the Association's solicitors on the legal outcome of the investigation of these incidents. The Association will thereafter take the appropriate action if it is a housing and / or tenancy related matter. Each potential legal case will be considered on its own merits to ensure that the Association is able to demonstrate value for money in relation to legal costs.

8.0 How We Will Record Complaints

- 8.1 Complaints will be recorded on our computerised complaints system which is specifically designed for this purpose. This allows the Association to record, monitor and report accurately to the Management Committee and the Scottish Housing Regulator.

- 8.2 Complaints will be recorded under the following categories:

Category A Anti-social behaviour involving personal attack, violence, unprovoked assault, threatening and abusive behaviour and any form of harassment.

Category B -Anti-social behaviour involving criminal activity, drug dealing, vandalism and criminal damage to property.

Category C -Anti-social behaviour involving excessive persistent noise, partying, loud music/disturbances, neighbour disputes and other breaches of tenancy.

9.0 How We Will Respond to Complaints

9.1 Category A complaints will be acknowledged within one working day. Category B and C complaints will be acknowledged within two working days. This will be done verbally, by email or in writing, subject to the complainant's preferred method of contact. At this time the complainant will be advised of the timescales involved regarding actioning, investigating and concluding their complaint.

9.2 Complaints will be actioned (investigation commenced) within the following timescales:

Category A - within one working day

Category B - within three working days

Category C – within five working days

All complaints will be actioned, and the actions taken recorded on the computerised system, within the prescribed timescales.

9.3 We will aim where possible to advise the complainant within **10 working days** of receipt of the complaint of the outcome; or advise if further investigations are required and of what action, if appropriate, will be taken to conclude the matter. However, it is acknowledged that some investigations could take longer to progress and complete. We will aim therefore to conclude all complaints within **20 working days** of receipt of the complaint.

9.4 Where appropriate, a Police report will be requested to confirm the outcome of a Police Officer's attendance at an incident and to corroborate the complaints made.

9.5 The Association will record accurately the complaint made. In the event that further information is required, the complainant will be contacted again. They may also be asked to provide a written witness statement.

9.6 The Association will carry out reasonable enquiries, including neighbour interviews, if appropriate, to investigate and corroborate complaints made.

9.7 The Association will discuss with the tenant the allegations made against them, their household or visitors, and allow them the opportunity to provide their account of the incident.

9.8 The Association will, ensure that personal contact is made with all parties in relation to anti-social behaviour to discuss and emphasise the consequences of the offending behaviour.

- 9.9 At no point will the tenant be advised, or alluded to, the complainant's identity. Complainants will however be advised, due to the nature of some complaints, that it will not always be possible to protect their identity.
- 9.10 Letters will be sent to surrounding neighbours, if appropriate, to encourage them to provide information in relation to reported anti-social behaviour.
- 9.11 A closing letter will be issued to the tenant, if appropriate, reminding them of their responsibilities under the Scottish Secure Tenancy Agreement.

10.0 Ongoing Anti-social Behaviour

- 10.1 In the event that a tenant pursues a course of anti-social behaviour, the Association will use the following tools to monitor and corroborate complaints made:

- Computerised complaints system – the Association will monitor trends and previous complaints of alleged anti-social behaviour of tenants.
- Diary records – complainants will be asked to complete a diary in order to identify the frequency, patterns of times and nature of the alleged anti-social behaviour.
- Noise monitoring equipment – where appropriate and available, the Association will have noise monitoring equipment installed or made available in the complainant's home. This would allow the Association to ascertain if a tenant is breaching permitted noise levels within the specified time periods as stated in the *Antisocial Behaviour etc. (Scotland) Act 2004*.

The time periods and corresponding permitted noise levels have been defined in the 2004 Act as follows:

- Daytime 07.00 - 19.00 hours Levels not exceeding 41 decibels
- Evening 19.00 - 23.00 hours Levels not exceeding 37 decibels
- Night-time 23.00 - 07.00 hours Levels not exceeding 31 decibels
- Police Reports – where possible, the Association will seek corroborating information from Police Scotland.
- Safer Communities – the Association will work closely with Stirling Council's Safer Communities Team to provide assistance and support to complainants.
- Mediation – the Association will, where appropriate, offer mediation services to tenants involved in a dispute in order to try and resolve neighbour disputes amicably and quickly.

- Support – the Association will support tenants affected by anti-social behaviour and where a course of tenancy enforcement or legal action is being taken against a tenant. This may involve partnership working with other relevant agencies that could assist the tenant e.g. Police Scotland, Stirling Council's Safer Communities Team, Homeless Section, Social Work, Victim Support. Supportive measures for tenants responsible for anti-social behaviour will also be considered where these this would assist the individuals concerned to modify their behaviour and conduct.

11.0 Tenancy Enforcement

- 11.1 The Association is required to follow a course of tenancy enforcement to try and resolve the anti-social behaviour of a tenant. It is also recognised though that the management of situations involving anti-social behaviour does not always follow a linear process. The approach adopted therefore will also be influenced by the individual circumstances of each situation. However, we will also aim to adopt a consistent, reasonable and proportionate approach to the case management of antisocial behaviour.
- 11.2 Tenants will be advised of the importance of corroboration of complaints in order to be able to pursue a legal course of action in relation anti-social behaviour.
- 11.3 The following tools will be used to prevent, respond to and manage anti-social behaviour:
- **Scottish Secure Tenancy Agreement** – the Association will ensure that tenants are fully aware of their responsibilities under the terms of the Scottish Secure Tenancy agreement from the start of their tenancy.
 - **Newsletter** – the Association will remind tenants of their responsibilities through articles in the quarterly newsletter, as appropriate, in relation to updates on legislation, policy and outcomes of successful legal action that has been taken.
 - **Warning Letters** – the Association will write to the tenants involved in anti-social behaviour related incidents to advise them of their responsibilities under the terms of the Scottish Secure Tenancy Agreement. The appropriate letter will be sent from a suite of standard letters formulated by the Association.
 - **Acceptable Behaviour Contracts** – the Association will request that the tenant agrees and signs an acceptable behaviour contract. This is a voluntary agreement between the tenant and the Association which will stipulate conditions set to prevent the tenant acting in an anti-social manner.

- **Interdicts** – the Association may apply to the court for an Interim Interdict to be served against the tenant. This is used as a preventative remedy to stop anti-social behaviour continuing or being committed.
- **Anti-social Behaviour Orders** – the Association may apply to the Court for an Anti-social Behaviour Order to be served against the tenant. This is a court order which prohibits a person from doing anything described in the order. A breach of an Anti-social Behaviour Order is a criminal offence.
- **Short Scottish Secure Tenancy** – the Association may seek to convert a tenant's Scottish Secure Tenancy to a Short Scottish Secure Tenancy for a period of 12 months. The purpose of this conversion of tenancy is to encourage anti-social behaviour to stop and for the tenancy to be sustained.

At the end of the term of the short Scottish Secure Tenancy:

- The tenancy will be converted back to a Scottish Secure Tenancy; or
- The Short Secure Tenancy will be extended for a further period of 6 months; or
- The Association will raise proceedings for recovery of possession.
- **Notice of Proceedings for Recovery of Possession** – the Association will serve a notice on the tenant advising that we may, at any time during a period of 6 months, raise court proceedings for possession of the property due anti-social behaviour.
- **Court Action** – where anti-social behaviour persists, the Association will consider raising proceedings for recovery of possession. Each case would be reviewed on its own merits as this could potentially result in the tenant being evicted from their home.
- **Partnership and Multi-Agency Working** – we will work effectively with other relevant partner agencies in responding and finding solutions to reported anti-social behaviour and neighbour disputes, maximising prevention, intervention, collaboration, engagement and communication activities.

12.0 Complaints Against Members of Management Committee

- 12.1 Where the Association is in receipt of complaints from or regarding tenants (or their households) that are also members of our Management Committee, complaints will be dealt with in line with this policy.
- 12.2 Where there is a conflict of interest, a Management Committee member will not be included in any discussions at governing body meetings in relation to specific

cases or discussions on policy matters, particularly where the Association's response is required in relation to the complaint.

13.0 Complaints Against Non-Tenants and Owner Occupiers

- 13.1 When dealing with mixed tenure housing developments and anti-social cases involving non-tenants, we will make every attempt to resolve the problem through informal, non-legal remedies such as mediation; and will give support and assistance to our tenants who are experiencing anti-social behaviour from an owner-occupier.
- 13.2 There are times when complaints are made by residents or members of the public, who are not tenants, about experiencing anti-social behaviour, such as level of noise from a tenant. In such situations we will ensure that the complaint against the tenant is progressed in line with this policy.
- 13.3 Where the Association has no jurisdiction (e.g. owner-occupier), the Association will assist the tenant in contacting Stirling Council's Safer Communities Team and other relevant organisations.

14.0 Equality and Diversity

- 14.1 Equality and diversity underpin all our activities and services. When delivering our services, we will ensure that we never discriminate on the basis of sex or marital status, race, disability, age, sexual orientation, language, social origin, or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions. Also, the Association aims to treat all of our tenants and other customers with respect and professionalism, and we will ensure that our service is fair and accessible to all. Where tenants and other customers have any particular needs or requirements, the Association will do all that it can to ensure that our services are tailored to these. Full details of our Equalities Policy can be found on our website www.forthha.org.uk or can be obtained from our office.

15.0 Performance Monitoring and Reporting

- 15.1 The Association is committed to continuously improving our anti-social behaviour service; and we understand that effective monitoring and reporting is fundamental to the process of evaluating and reviewing performance. All complaints received and the outcomes will be recorded on our computerised complaints system for the purposes of:
- Monitoring the type and number of complaints received.
 - Monitoring timescales for the investigation and recording of complaints to ensure these are within the target timescales noted in Section 8 above.
 - Monitoring trends of anti-social behaviour.
 - Evaluating and preventing anti-social behaviour escalating further.
 - Taking appropriate action to stop anti-social behaviour.

- Measuring performance against Key Performance Indicators and the requirements of the Scottish Social Housing Charter.
- Reporting to the Management Committee on a quarterly basis.
- reporting to the Scottish Housing Regulator.
- To report to tenants and members of the Association in our annual performance reports.

16.0 Staff Team Training

16.1 We recognise that our staff team members are a key resource in tackling anti-social behaviour. It is important that they have the confidence and knowledge to identify and investigate incidents of anti-social behaviour and take appropriate action. The Association therefore will ensure that all staff team members receive the appropriate training and support required to implement this policy and the related operational procedures. Linked to this we will ensure that our staff team members :

- Are kept informed on legislative changes relating to anti-social behaviour.
- Have access to relevant training for skills development.
- Have the knowledge required to advise tenants on meeting their tenancy responsibilities.
- Have a strong focus on delivering excellent customer service in relation to responding to and case managing complaints.
- Engage with our communities and encourage tenant involvement on issues relating to anti-social behaviour.

17.0 Confidentiality and Data Protection

17.1 We recognise the importance of data protection legislation, including the General Data Protection Regulation, in protecting the rights of individuals in relation to personal information that we may handle, use and disclose about them, whether on computer or in paper format. We will ensure that our practices in the handling, use and disclosure of personal information as part of the processes and procedures outlined in this policy comply fully with data protection legislation, including all associated confidentiality related requirements. More information is available from our Data Protection Officer.

18.0 Complaints

18.1 Any tenant, customer or agency that is dissatisfied with the management of their case will be advised of the terms of our Complaints Policy and Procedure.

19.0 Policy Availability

19.1 This policy is available on our website and can be made available in a number of other languages and other formats on request.

20.0 Policy Review

- 20.1 This policy will be reviewed every 3 years, or when required, to ensure that it meets current legislation and good practice guidance.

Appendix 1 Equality Impact Assessment Screening Questions

Forth Housing Association - Equality Impact Assessment Screening Questions

Anti-Social Behaviour Policy

Will the implementation of this policy have an impact on any of the following protected characteristics?

- | | | |
|-----------------------------------|------------------------------|--|
| 1. Age | Yes ☐ | No ☒ |
| 2. Disability | Yes ☐ | No ☒ |
| 3. Gender reassignment | Yes ☐ | No ☒ |
| 4. Marriage and Civil Partnership | Yes ☐ | No ☒ |
| 5. Pregnancy and Maternity | Yes ☐ | No ☒ |
| 6. Race | Yes ☐ | No ☒ |
| 7. Religion or belief | Yes ☐ | No ☒ |
| 8. Sex | Yes ☐ | No ☒ |
| 9. Sexual orientation | Yes ☐ | No ☒ |

Appendix 2

Forth Housing Association - Privacy Impact Assessment

Anti-social Behaviour Policy

1. A substantial change to an existing policy, process or system that involves personal information
Yes ☐ No ☒
2. A new collection of personal information
Yes ☐ No ☒
- 3.. A new way of collecting personal information (for example collecting it online)
Yes ☐ No ☒
4. A change in the way personal information is stored or secured
Yes ☐ No ☒
5. A change to how sensitive information is managed
Yes ☐ No ☒
6. Transferring personal information outside the EEA or using a third-party contractor
Yes ☐ No ☒
7. A decision to keep personal information for longer than you have previously
Yes ☐ No ☒
8. A new use or disclosure of personal information you already hold
Yes ☐ No ☒
9. A change of policy that results in people having less access to information you hold about them
Yes ☐ No ☒
10. Surveillance, tracking or monitoring of movements, behaviour or communications
Yes ☐ No ☒
11. Changes to your premises involving private spaces where clients or customers may disclose their personal information (reception areas, for example)
Yes ☐ No ☒