Drumchapel Housing Co-operative Limited

Neighbour Disputes and Anti-social Behaviour Policy and Procedures

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CONTENTS

	Item	Page No.
1.	**Introduction**	4
2.	**Policy Aims and Objectives**	4
3.	**Definition of Anti-social Behaviour**	5
4.	**Policy Methods**	6-7
5.	**Legislative and Regulatory Framework**	7
6.	**Drug Dealing** 6.1 Introduction 6.2 Dealing from the property 6.3 Dealing in the locality 6.4 Partnership working	8-9
7.	**Harassment** 7.1 Introduction 7.2 Behaviour that constitutes harassment 7.3 Racial harassment 7.4 Dealing with harassment	9-10
8.	**Categorisation of Complaints**	10
9.	**Procedure and delegation of responsibility**	11
10.	**The roles of the parties involved in complaints** 10.1 Co-operative tenants 10.2 Non Co-operative tenants and others 10.3 The Co-operative 10.4 Other agencies 10.5 Support to tenants	11-13
11.	**Links with other services** 12.1 External agencies 12.2 Victim support services	13-14
12.	**Remedies – legal and non-legal** 13.1 Early resolution 13.2 Mediation 13.3 Notice of Proceedings 13.4 Streamlined Eviction Process	14-15
13.	**Anti-social Behaviour Order (ASBO)**	15-17
14.	**Short Scottish Secure Tenancies**	17-18
15.	**Complaints**	18

DRAFT

16.	**Other issues** 17.1 Housing allocations and anti-social behaviour 17.2 Special Needs 17.3 Racial Harassment 17.4 Information	**18**
17.	**Anti-social Behaviour Complaints and Board Members**	**19**
18.	**Monitoring and review of complaints**	**19**
19.	**Procedures following receipt of a complaint** 20.1 Recording of complaints 20.2 Acknowledgment and proposed response 20.3 Recording of action taken 20.4 Monitoring of cases 20.5 Legal action (repossession) 20.6 Social Work involvement	**19-21**
20.	**Equality and Human Rights**	**21**
21.	**Risk Management**	**21**
22.	**Policy Review**	**22**
23.	**GDPR – Privacy Statement**	**22**

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1. Introduction

1.1 Drumchapel Housing Co-operative is committed to helping tenants maintain the quiet enjoyment of their homes by operating a policy and procedure through which we endeavour to prevent situations arising which might lead to neighbour complaints.

1.2 The Co-operative aims to deal promptly and effectively with complaints which do arise, making full use of the available legal measures as necessary.

1.3 This policy and procedures on neighbour disputes and anti-social behaviour aims to clearly define behaviour which would be categorised as anti-social and in breach of the tenancy agreement. It outlines the way in which neighbour complaints and neighbour disputes should be handled. In this respect the Association follows the definition of antisocial behaviour contained in s143 of the Antisocial Behaviour etc. (Scotland) Act 2004.

1.4 The procedures that follow detail how a dispute will be handled internally by the Housing Management Team. Every dispute will be logged, and the progress recorded.

1.5 Drumchapel Housing Co-operative will comply with relevant legislation and adopt the principles detailed in the Scottish Housing Charter.

2. Policy Aims and Objectives

2.1 The aim of the policy is to tackle anti-social behaviour by prevention, enforcement and providing support for victims. We will communicate clearly what standards of behaviour are acceptable and how anti-social behaviour impacts our tenants and their families. Where necessary, the Co-operative will use the most robust measures available to stop anti-social behaviour.

2.2 The Co-operative will achieve this by joint working with Police Scotland, Glasgow City Council and other statutory and other stakeholders who may have a legal obligation or some other interest in specific cases or in preventative work. Any criminal behaviour should be addressed in the first instance by Police Scotland and the criminal justice system (with support and evidence from the Co-operative where appropriate). Joint operational protocols are in place for sharing information with Police Scotland and Glasgow City Council.

2.3 A joint working relationship with other DRUMCOG partners will also be promoted to ensure that issues affecting the wider area are managed as a community.

2.4 This policy has clear links to the Racial Harassment policy, Estate Management policy and Choice Based Lettings Allocation policy.

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3. Definition of Anti-social Behaviour

3.1 Anti-social behaviour is a complex issue. Often what feels like a nuisance to some can have a very negative impact on others. The general range and scope of anti-social behaviour can range from relatively minor disputes involving noise and lifestyle clashes to serious and extreme cases including drug dealing and serious harassment. We assess each case individually against the definition outlined in The Anti-social Behaviour etc. (Scotland) Act 2004 which states the following:

A person engages in anti-social behaviour if they:

a) Act in a manner that causes or is likely to cause alarm or distress: or pursues a course of 'conduct' that causes or is likely to cause alarm or distress, to at least one person who is not of the same household ('conduct' includes speech and must involve conduct on at least two occasions). It is the effect or likely effect of the behaviour on other people that determines whether the behaviour is antisocial.

The definition of what constitutes 'anti-social behaviour' is based upon what is viewed reasonable and unreasonable and this in turn requires a judgement to be made. The types of behaviour viewed as anti-social are likely to include:

- drug dealing
- harassment
- racism
- sectarianism
- violence or threat of violence
- people gathering and causing a disturbance
- noise
- failing to control pets
- failing to maintain the garden to an acceptable standard
- 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 anti-social behaviour that the Co-operative reasonably defines as being unacceptable.

3.2 The Co-operative recognises that there may be occasions where we are limited as to what we can do to resolve alleged anti-social behaviour. In many instances, conflicts between tenants arise out of a clash of lifestyles and expectations, which cannot be readily resolved. There are also times where there is no evidence or corroboration to support claims of anti-social behaviour.

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4. Policy methods

4.1 The key elements of the neighbour disputes and anti-social behaviour policy methods are summarised below. The Housing Management Team will provide comprehensive information on conditions of tenancy at the start of tenancy and will adhere to the following:

a) All new tenants will be advised what constitutes anti-social behaviour prior to signing their Tenancy Agreement.

b) All new tenants will normally be visited within six weeks of start of tenancy and reminded of their responsibilities to respect their neighbours and not cause undue disturbance or disruption to other residents.

c) Through effective management and maintenance of our properties, we will seek to reduce the risk of such behaviour occurring.

d) Adopting the best policy and procedures to prevent nuisance and anti-social behaviour occurring.

e) By building good partnerships with Police Scotland, Glasgow City Council and any other relevant agencies who could assist.

f) By encouraging effective tenant participation to reduce the potential for neighbour disputes and related anti-social behaviour.

g) By adopting a Prevention approach to anti-social behaviour affecting Drumchapel Housing Co-operative tenants. We will look to understand the root cause of the behaviour and provide solutions to prevent reoccurrence. We will take a trauma informed approach where support is offered to those impacted by the behaviour and those participating in the behaviour. This is in line with the public health approach which has been adopted in Scotland where the emphasis is on prevention.

h) By recognising that appropriate mechanisms are in place to deal with the complex legal and practical issues associated with neighbour nuisance and anti-social behaviour.

i) Respond promptly, sympathetically and decisively to any complaints made relating to anti-social behaviour of tenants, their household and any visitors to their home.

j) Recording and responding to all complaints made timeously.

k) Encourage tenants to resolve their disputes by mutual agreement.

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l) Encourage group meeting/mediation for tenants in conflict via Glasgow City Council's Mediation Service.

m) Ensure tenants are given the best advice possible in relation to their complaint.

n) Ensure that other relevant agencies such as Police Scotland, Social Work, Environmental Health and Glasgow City Council play a full role in resolving behaviour or taking action, particularly where it is appropriate for them to do so.

o) Where serious problems occur (especially of a criminal nature) the Co-operative will work in partnership with Police Scotland.

p) The Co-operative will take swift action to try to resolve anti-social behaviour, involving a structured approach and the use of incremental sanctions. The Co-operative will only pursue court action for eviction as a last resort (where behaviour is categorised as serious and/or persistent).

q) Where problems persist (and there is no clear criminal justice solution) the Co-operative will take appropriate enforcement action under its Tenancy Agreement, or by otherwise using any legal means at its disposal, up to and including the use of Anti-social Behaviour Orders and/or court action for eviction.

5. Legislative and Regulatory Framework

5.1 This policy complies with and takes account of legislative requirements. Some of these are as follows:

- Housing (Scotland) Act 2001, 2010 and 2014
- Criminal Justice (Scotland) Act 2003
- Anti-social Behaviour Etc. (Scotland) Act 2004
- Equality Act 2010
- General Data Protection Regulation and Data Protection Act 2018
- Human Rights Act 1998

5.2 The Co-operative's general approach to dealing with neighbour disputes and anti-social behaviour is based on good practice and the Scottish Social Housing Charter (SSHC) outcomes. The following SSHC outcomes and standards are directly relevant to the policy:

Outcome 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.

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Outcome 11 – Tenancy Sustainment
Social landlords ensure that tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations.

6. Drug Dealing

6.1 Introduction

It is the view of the Co-operative that drug dealing in particular will not be tolerated in its locality. The Co-operative recognises the impact this has on tenants and their families within the community.

6.2 Dealing from the Property

Any situation whereby a tenant, household member or visitor, who was convicted of being concerned in the supply of drugs from the property or in the locality, may result in the Co-operative seeking repossession of the property. Alternatives to repossession will be considered and each case will be decided upon its own circumstances taking into account Scottish Government guidance..

6.3 Dealing in the locality

The definition of "locality" is treated as the whole of the G15 postcode, i.e. Drumchapel/Blairdardie.

a) Any situation whereby a tenant or their partner was convicted of being concerned in the supply of drugs in the locality (even if the other partner claimed to have no knowledge of the situation), may result in the Co-operative seeking repossession of the property.

Any situation whereby a household member (whether officially resident or not) or visitor was convicted of being concerned in the supply of drugs in the locality, may result in a First and Final Warning letter being issued to the tenant. The Co-operative may proceed with other measures including applying for an ASBO in respect of the convicted person or converting the tenancy to a Short Scottish Secure Tenancy. Should the household member or visitor be convicted of being concerned in the supply of drugs in the locality for a second time, then this may result in the Co-operative seeking repossession of the property. Alternatives to repossession will be considered and each case will be decided upon its own circumstances, taking into account Scottish Government guidance.

b) Any other incidents involving drugs would be considered individually, within general anti-social behaviour criteria, e.g. no conviction for dealing, but some evidence that there may be dealing taking place.

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6.4 Partnership Working

The Housing Management Team will liaise closely with local police and co-operate in any initiatives to eradicate the trafficking of drugs. The Senior Housing Officer will generally attempt to interview any tenant who is suspected or any of their household members or visitors are suspected of being involved in the supply of drugs in the locality, in order to address the situation at an early stage.

7. Harassment

7.1 Introduction

Harassment is arguably the most serious of all neighbour nuisance and is given a separate section within the policy in order to ensure that tenants are left in no doubt as to the seriousness in which harassment is viewed by the Co-operative. Staff are made aware of the particular procedures to be followed when a case of harassment occurs. This section will deal with harassment in general.

7.2 Behaviour that can constitute harassment

The following behaviour constitutes harassment however, is not exhaustive:

- Bullying
- Unwelcome attention
- Subjecting someone to insults or ridicule
- Displays of material such as pornographic pictures, offensive literature, etc.
- Insensitive jokes or pranks
- Physical violence
- Verbal abuse
- Incitement by means such as petitions, leaflets etc. Damage to property such as graffiti, bricks through windows, etc.
- Threat to life such as lighted materials through the letter box
- Lewd, suggestive or over familiar behaviour
- Deliberate interference with another person's peace, comfort and safety
- This is not an exhaustive list and other behaviours may constitute harassment

Although harassment comes in many forms, particular attention is drawn to the definitions contained within the Equal and Human Rights Policy and are as follows:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual Orientation

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The Co-operative will regard the above and to any other situations which it considers to constitute harassment.

7.3 Racial Harassment

Racial harassment is dealt with under a separate policy entitled Racial Harassment policy.

7.4 Dealing with Harassment

The Co-operative will attempt to prevent harassment occurring by taking opportunities to promote the unacceptability of harassment, via policies, newsletters, handbooks, training, allocations and the lettings process.
The Co-operative will also assist victims of harassment in accessing counselling and support services.

8. Categorisation of Complaints

8.1 It is useful to categorise complaints to encourage consistency of approach and to clarify to all concerned the likely response of the Co-operative. It should be recognised however that not all cases will be easily categorised. Complaints will be categorised into one of the following three categories (the types below are not intended to be exhaustive):

a) Nuisance/Disputes (Category C)

Complaints which clearly breach the tenancy conditions but are of a relatively minor nature e.g. dumping rubbish in unauthorised places, infrequent disturbance, noise complaints, running a business, nuisance, boundary and car parking disputes, pet fouling.

b) Serious (Category B)

Complaints which indicate serious anti-social behaviour, e.g. frequent disturbances, excessive and persistent noise, vandalism/damage to Co-operative property, misuse of drugs, harassment, and verbal abuse, persistent failure to control pets, persistent failure to control children or visitors to the property.

c) Extreme (Category A)

Complaints of a very serious anti-social nature e.g. drug dealing – reports of this may be channelled through the police instead of contacting the tenant/resident directly, un-provoked assault and physical assault, racial/other harassment, and serious damage to property, including Category B behaviour which is not only persistent, but has not changed despite warnings.

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9. Procedure and delegation of responsibility

9.1 The Co-operative's procedure for dealing with neighbour disputes is outlined in this policy.

9.2 The Housing Management Team have responsibility for accepting, actioning and monitoring cases in accordance with this policy.

9.3 The Senior Housing Officer has the authority to approve the initiation of court action for eviction. Any enforcement of an Eviction Decree will be approved by the Management Board.

9.4 The conversion of Scottish Secure Tenancy to a Short Scottish Secure Tenancy will be approved by the Senior Housing Officer.

10. The roles of the parties involved in complaints

10.1 Co-operative tenants

The Co-operative believes that, in general, the most effective way in achieving a favourable outcome at any stage in a neighbour complaint is for the complainant to become directly involved in the case and this will therefore be encouraged, but with due regard to personal safety issues.

10.2 Non-Co-operative Tenants and Others

Where a complaint is received against a Co-operative tenant from someone other than another Co-operative tenant, e.g. tenant of another landlord, visitor, resident etc, then such complaints will still be dealt with under the terms of this policy.

Where a complaint is received from a Co-operative tenant against, for example, another resident, then the Co-operative will become directly involved where appropriate and provide advice and assistance where it cannot do so. For example, a tenant may require to raise their own interdict against a resident who is harassing them, but the Co-operative could liaise with the other landlord if the case involves a non-Co-operative tenant.

The Co-operative will, however, take direct action wherever possible. The case may also be referred to Glasgow City Council's Mediation Service.

10.3 The Co-operative

In recognition of policy objectives, the Co-operative will respond in a positive manner to all complaints received, in order that the complainant is made aware of how progress can be made.

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On receipt of a complaint, the Co-operative will attempt to determine if the complaint is valid and which agency would be best equipped to resolve the situation. This may be the Co-operative itself, another agency (e.g. Police; Social Work Department, Environmental Health Department), or a combination of agencies.

If the complaint concerns a neighbour, the complainant will, if appropriate, be encouraged to approach their neighbour in the first instance in an attempt to rectify the situation, unless they may endanger themselves by doing so.

The Co-operative, will, however, monitor any action, which follows from a valid complaint.

Where action is also required from the complainant and/or other tenants in order to corroborate or progress the complaint, then this will be made clear to the complainant at the outset, otherwise a positive resolution to the case may not be possible by Co-operative action alone and an early withdrawal will then take place.

The complainant will be kept informed of progress except where there are legal restrictions.

10.4 Other agencies

The Co-operative may also consider the use of the following:

Glasgow City Council's Mediation Service - there are trained mediators and tenants of the Co-operative cases can be referred to the service. They will accept cases regardless of the current tenure of the parties involved in the dispute.

Where direct agency contact by the tenant is appropriate, the tenant will be requested to inform the Co-operative of outcomes, for monitoring purposes.

The Co-operative will liaise closely with Social Work Department, in particular, at an early stage, where there is the possibility of a family with young children being evicted.

10.5 Support to tenants

The Co-operative can support tenants in many ways in order to maximise enjoyment of their homes and this section of the policy explores this issue.

a) Advice on options and agree course for action (which includes advice on legal options)

b) Advice on action the police can take and refer to the police with victim's consent

c) Keep victims informed of progress of action taken

d) Advice on support agencies and make referrals where appropriate

e) Provide emergency contact points

f) Link victims to community emergency alarm system, or issue personal alarms or mobile phones

g) Treat damage by perpetrators as emergency repairs, where appropriate

h) Remove racist or obscene graffiti as a matter of urgency

i) Provide advice in relation to improving security measures

j) Ensure close and common area security is adequate – i.e. lighting, fencing, door entry systems etc

k) Where there is a real risk of violence, liaise and signposting to other agencies for a temporary/permanent move

l) The Co-operative will endeavour to supply as much of the above support as it is able to, either individually or in partnership with other agencies

11. Links with other services

11.1 External Agencies

a) The victim or perpetrator, who may need some form of support should be referred to the appropriate agency who may be able to address their support need. Support needs could range from drug/alcohol related problems/family support needs/welfare services/money advice/parenting skills, etc.

b) Any referrals to Social Work should detailing information about the victim or perpetrator being referred and the reasons for your referral. Details of referrals to all internal/external agencies should be recorded and retained on the case file.

11.2 Victim Support Services

The Co-operative understands that tenants who suffer anti-social behaviour can feel vulnerable from the moment they report an incident. Often, they may need an independent person to talk to for reassurance and emotional support. It is

therefore essential that in appropriate circumstances, officers should advise victims of anti-social behaviour of "Victim Support". The Housing Management Team can signpost tenants to Victim Support who provide independent, free and confidential advice.

12. Remedies – legal and non-legal

12.1 Early Resolution

In general, the approach favoured by the Co-operative is to resolve the problem as quickly and harmoniously as possible. Although in most, if not all, Category A Disputes will most likely be dealt with through the legal system and/or by the Police. Other disputes should initially be dealt with using other remedies than simply legal ones. These remedies and techniques may be informal or formal, but the Housing Management Team aim to explore them prior to instructing legal proceedings.

12.2 Mediation

The Co-operative can refer tenants to Mediation and work in partnership with GCC and other local Housing Associations. The Mediation process is not always suitable for disputes however, this will be explored where appropriate.

12.3 Notice of Proceedings

a) Should a tenant be guilty of committing anti-social behaviour or other forms of neighbour nuisance, it is likely that they are in breach of their tenancy agreement which is in accordance with the Housing (Scotland) Act 2001. If this is the case there are a number of options open to the Co-operative depending on the behaviour or conduct. A warning letter may be issued. . The offending tenants tenancy may be converted to a Short Scottish Secure Tenancy. A Notice of Proceedings may be served to alert the tenant and the "qualifying occupiers" within the household that the Co-operative may instruct court proceedings against their tenancy.

b) Further breaches of tenancy may result in the Co-operative instructing a solicitor to proceed to the Sheriff Court to request action against the tenancy in favour of the Co-operative. This can take the form of Eviction or Recovery Proceedings.

12.4 Streamlined Eviction Process

The Antisocial Behaviour etc (Scotland) Act 2004 and the Housing (Scotland) Act 2001 set out a range of measures that landlords can take to help address anti-social behaviour.

To complement the existing measures available to landlords to address antisocial behaviour in, or in the locality of a social housing tenancy, a number of new provisions were introduced in the Housing (Scotland) Act 2014 (the 2014 Act).

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These measures include a new streamlined eviction process where there has been a criminal conviction punishable by imprisonment for tenancy related antisocial or criminal behaviour within the previous 12 months. This new provision gives landlords the flexibility to use a streamlined process for eviction where a tenant (or any one of joint tenants), a person living in or lodging in the house, a subtenant or a person visiting the house has been convicted of an offence punishable by imprisonment within the previous 12 months. The Co-operative will only proceed with a streamlined eviction after following Scottish Government guidance re consideration of alternative remedies.

12.5 Specific implement

a) The remedy of specific implement is an order of the court requiring a person to perform his or her legal obligations for example, obligations under a contract. It can be used by social landlords to require a tenant to take positive action.

b) There are a number of complaints which the Co-operative receives that relate to matters that potentially could be the subject of an action for a specific implement. For example, failure of tenants to maintain their own gardens, failure to fulfil responsibilities to clean communal areas, dumping rubbish and other behaviour affecting the amenity of communal areas such as common closes.

13. Anti-social Behaviour Order (ASBO)

13.1 ASBO's came into force on 1 April 1999, via the Crime and Disorder Act 1998. The legislation was then updated on 26 July 2004, when Anti-social behaviour (Scotland) Act 2004 was implemented introducing an extension of powers to use ASBOs for 12-15 year olds. ASBO's are part of a range of available responses to anti-social behaviour and should be seen in this context. They are not intended to replace existing measures nor are they a substitute for criminal proceedings.

13.2 The ASBO is an order, which would be made by a civil court on application by a local authority or Registered Social Landlord and would restrain particular individuals from engaging in unreasonable conduct, which adversely affects members of the community. It is an order which can be made against any person aged 12 or over in any housing tenure, which prohibits, indefinitely or for a period, the offender from doing anything prescribed in the order.

13.3 An ASBO is intended to tackle both behaviour that is likely to escalate to a criminal level, and patterns of behaviour which cumulatively cause considerable alarm or distress to the community, but which do not consist of single acts which are sufficiently serious or sufficiently clear-cut to be prosecuted individually as criminal offences.

13.4 Examples of Anti-social Behaviour for which an ASBO may be sought. The type of behaviour for which ASBO's may be sought include:

a) Individuals who intimidate neighbours and others through threats or violence.

b) Persistent unruly behaviour by a small group of individuals on an estate who perhaps dominate others by intimidation through violence or unpleasant actions, and use minor damage to property and fear of retaliation as a means of intimidating other people.

c) Families whose anti-social behaviour when challenged leads to verbal abuse, vandalism, threats and graffiti.

d) Persistent racial harassment or homophobic behaviour.

e) Persistent anti-social behaviour as a result of drugs or alcohol misuse.

13.5 The order is not a sentence for a crime but a civil order to protect a community from future conduct. It is therefore in the hands of the Sheriff to determine its duration.

13.6 Breach of the Order is a criminal offence and the maximum penalty on conviction of the offence would be 5 years imprisonment, and/or an unlimited fine. The proof required for this purpose is that of a criminal prosecution i.e. corroboration is required and proof beyond reasonable doubt to secure conviction.

13.7 Section 44 of the 2004 Act amended the Crime and Disorder Act to introduce interim ASBO's. Interim ASBO's are intended to provide more immediate protection from anti-social behaviour and can be applied for pending the application for a full ASBO. The Sheriff may grant an interim order provided that they are satisfied that the anti-social behaviour cited would be established when a full hearing takes place. The sheriff must also be satisfied that an interim order is necessary to protect the affected people from further anti –social acts or conduct by the person.

13.8 The person whom an order is made against may appeal the order. Where an appeal is made the interim ASBO will continue to have effect pending the outcome of any appeal.

13.9 When to apply for an ASBO

Preventative measures such as negotiations, mediations, warnings and enforcement of tenancy agreements will normally be exhausted before considering applying for an ASBO. While each case will be looked at on its own merits, the Co-operative will likely consider seeking an ASBO for anti-social behaviour falling into categories B and C of this policy.

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13.10 Anti-social Behaviour Contracts/Agreements (ABC)

a) An Anti-social Behaviour Contract (ABC) sometimes known as an Acceptable Behaviour Agreement (ABC) is an early intervention designed to get an individual involved in unacceptable or anti-social behaviour to acknowledge this behaviour and its impact on other people, with the aim of stopping it.

b) It can also be used with parents who do not take action to prevent their children acting anti-socially. It is a voluntary written agreement between the perpetrators and in the case of a young person his or her parent or guardian, and the Co-operative and possibly other agencies. It places responsibility on the individual and his or her family to work towards an agreement, rather than having one imposed. There is the underlying 'stick' of legal action to reinforce adherence to the ABC until improved behaviour becomes the norm. ABC can be used on adults and could be used in cases of excessive loud music, noisy parties etc.

c) In cases where behaviour is serious, persistent or criminal an ASBO or other legal remedies may be more effective.

14. Short Scottish Secure Tenancies

14.1 The Housing (Scotland) Act 2001 introduced provisions for landlords to grant tenants Short Scottish Secure Tenancies (SSST's). If tenants have previously been evicted for anti-social behaviour in the last 3 years, or the tenant or a member of their household are subject to an ASBO, then a Short SST can be used.

14.2 Section 34(7) as amended requires landlords (where the tenant is on a short SST because of previous anti-social behaviour or an ASBO) to provide or ensure the provision of such housing support services as it considers appropriate to enable the tenancy to convert to a Scottish Secure Tenancy (SST).

14.3 Section 91(8) of the Act provides a broad definition of Housing Support Services - "Housing Support services includes any service which provides support, assistance, advice or counselling to an individual with particular needs with a view to enabling that individual to occupy, or to continue to occupy, as the person's sole or main residence, residential accommodation other than excepted accommodation".

14.4 Section 35 allows landlords to convert a SST to a short SST where a tenant or someone residing with the tenant is subject to an ASBO or, where tenants have previously been evicted for anti-social behaviour anywhere in the UK within the past 3 years or where the tenant, a joint tenant or someone residing with them or visiting them has in the previous three years acted in an antisocial manner in relation to another person residing in or visiting or engaged in a lawful activity in

the vicinity of the house occupied by the tenant or, if the tenant has pursued a course of conduct against that other person that amounts to harassment.

15. Complaints

If a tenant is dissatisfied with the level of service they have received in relation to the policy, a complaint should be made to the Co-operative who will respond in accordance with our Complaints Handling Procedure. Should the tenant remain dissatisfied having exhausted the Co-operative's internal complaints procedures, they can raise a complaint to the Scottish Public Services Ombudsman (SPSO).

16. Other issues

16.1 Housing allocations and anti-social Behaviour

In particular circumstances, the Co-operative will have discretion to suspend an applicant on the housing register where there is clear and recent evidence of anti-social behaviour in line with the Choice Based Lettings Allocations Policy.

16.2 Special Needs

a) The Co-operative will assist all tenants who are involved in complaints of anti-social behaviour (victims and perpetrators) to obtain or receive relevant support from other agencies (e.g. Social Work, SAMH, drug and alcohol abuse support networks).

b) It should be noted however, that any perpetrator of anti- social behaviour with support needs as described above will not be precluded from court action being taken against them, particularly where support has been rejected or withdrawn.

16.3 Racial Harassment

Where complaints of anti-social behaviour involve an element of racial abuse or harassment the policy outlined in the Co-operative's Racial Harassment policy should be strictly adhered to.

16.4 Information

Information on neighbour disputes and anti-social behaviour and how to report this is available for our tenants. All neighbour complaints will be recorded on the day they are made on the SDM system to ensure accurate and adequate recording of incidents.

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17. Anti-social behaviour complaints and Board members

17.1 If an anti-social complaint is made by or about a Board member or a member of their immediate family, it will be treated as any other complaint with the exception noted below:

a) Any Board members directly involved in such a complaint must not be in attendance at a Board meeting during discussion of a specific case or discussion of a policy matter which has a direct bearing on the Co-operative's response to the complaint.

b) Board members who have an indirect involvement in a specific case e.g. if they are tenants in a close where a dispute or incident occurred will consider their attendance during any relevant discussion at a Board Meeting.

c) If upon investigation it is revealed that a Board member is behaving in an anti-social manner, they will be removed from Board under the terms of the Co-operative's Rules.

18. Monitoring and review of complaints

The Management Board will receive a quarterly report from the Housing Management Team which provide the number of complaints received. Any areas of concern will also be reported.

19. Procedures following receipt of complaint

19.1 Recording of complaints

All complaints will be recorded by the staff member on the SDM database. On a day-to-day basis it will be the responsibility of every member of staff to ensure the database is kept up to date. It will be the overall responsibility of the Senior Housing Officer.

The Housing Management Team will decide on the use of discretion regarding pursuing complaints received anonymously. However, action will generally be taken where the complaint appears to be valid.

19.2 Acknowledgement and proposed response

The proposed response and approximate timescales will also be notified to complainants. It's important that there are realistic timescales for handling complaints. As a guide to response times, the Co-operative's response will be in accordance with the complaint category.

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The table below details the target response times for each category. Where the Co-operative is relying on a response from other agencies or proceedings are involved, the response times may be delayed as a result. The Housing Management Team will request approximate response times and these will be monitored.

Action	Category A	Category B	Category C
Contact complainer	1 working day	1 working days	2 working days
Contact witnesses	1 working day	2 working days	5 working days
Contact perpetrator	1 working day	2 working days	5 working days
Liaise with other agencies	1 working day	2 working days	7 working days
Case evaluation	5 working days	10 working days	10 working days
Case closed/resolved*	10 working days	20 working days	20 working days

*The Co-operative defines resolved as meaning action has been taken in line with the policy and the complainant has been advised either verbally or by letter/email that the case is closed.

Where no further action is being proposed, the reasons for this should be stated to the complainant.

19.3 Recording of action taken

a) The SDM system will be used to record action notes, category and give each case a number.

b) The names and addresses of both complainant and perpetrator will be entered into the SDM system upon receipt of the complaint and allocated a case number which will be used for any subsequent complaints from other persons which relate to the same case.

19.4 Monitoring of cases

Where a case appears to have been resolved, it will be closed. The SDM system will be updated with the closure date.

19.5 Legal action (repossession)

Under the terms of Section 14(3) of the Housing (Scotland) Act 2001, all members of a household who are aged 16 years and over are “qualifying occupiers” and must be served with copies of any legal paperwork from Notices of Proceedings. Tenants are regularly reminded that household details must be kept up to date, therefore we will seek household details from our internal records for the purpose of serving legal paperwork to qualifying occupiers.

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19.6 Social Work involvement

Where there are vulnerable tenants or children involved, the Housing Management Team will liaise with the Social Work Department to offer support to the tenant if a case is becoming serious and certainly at the point of issuing a Notice of Proceedings.

Where repossession has been granted, both Social Work Department and Glasgow City Council's Homelessness Services will be informed.

20. Equality and Human Rights

20.1 The Co-operative's Equality and Human Rights policy, outlines our commitment to promote a zero tolerance to unfair treatment or discrimination to any person or group of persons, particularly on the basis of any of the protected characteristics[1]. This includes ensuring that everyone has equal access to information and services and, to this end, the Co-operative will make available a copy of this document in a range of alternative formats including large print, translated into another language or by data transferred to voice. We are also aware of the potential for policies to inadvertently discriminate against an individual or group of individuals. To help tackle this and ensure that it does not occur, best practice suggests that organisations' carry out Equality Impact Assessments to help identify any part of a policy that may be discriminatory so that this can be addressed (please see section 6 of the Equality and Human Rights Policy for more information).

20.2 In line with the Equality and Human Rights Policy, the Co-operative will apply a screening process based on that recommended by the Equality and Human Rights Commission to ascertain whether each policy requires an Impact Assessment to be carried out. The screening process was applied to this policy and it was decided that an impact assessment is required.

[1] The Equality Act 2010 identifies the "protected characteristics" as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

21. Risk Management

The Co-operative has considered the potential risks of failing to adhere to this neighbour disputes and anti-social behaviour policy. The Co-operative's reputation would be jeopardised and properties would become difficult to let. By having a written detailed neighbour disputes and anti-social behaviour policy, the Co-operative is able to ensure that a consistent approach is adopted and that the service delivered is compliant with the law and best practice.

22. Policy Review

This policy will be reviewed every 3 years unless amendment is prompted by a change in legislation or monitoring/reporting reveals that a change is required sooner (lack of review will not cause the policy to lapse). The review will consider the Co-operative's performance in responding to complaints and the effectiveness of any action taken. The success of this policy shall be measured against the following outputs and outcomes:

23. GDPR – Privacy Statement

The Co-operative will gather and use certain information about individuals in accordance with UK GDPR and DPA 2018. Staff members have a responsibility to ensure compliance with the terms of the privacy policy and to collect, handle and store personal information in accordance with relevant legislation. The Fair Processing Notice (FPN) details how personal data is held and processed.

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Drumchapel Housing Co-operative
Equality Impact Assessment

Name of the **policy/ proposal** to be assessed	Neighbour Disputes and Anti-social Behaviour Policy and Procedures	Is this a **new policy/proposal or a revision**?	Revision
Person(s) responsible for the assessment	Marisa McCarthy – Senior Housing Officer		
Our policy has taken account of Article 6 of the Human Rights Act	This article highlights that "People have the right to a fair trial". The Co-operative will therefore ensure it makes reasonable adjustments to how they communicate with tenants, and others, when developing policies/delivering services which could result in legal action being taken. In particular, the Co-operative will seek to reduce barriers tenants, and other customers, from specific groups might encounter if they are subject to legal action (i.e. ensuring someone with 'additional support needs' understands the legal processes and/or the Co-operative work through any third parties or mediators that person works with, if legal action is initiated to someone with English as a second language the Co-operative will ensure they are provided with access to appropriate translation support, etc.). In addition, if someone was appealing against an allocation decision, required access to additional support (i.e. access to translators, assistance with completing forms, sign-posting to support groups, etc.) then the Co-operative would provide all reasonable assistance.		
Our policy has taken account of Article 8 of the Human Rights Act	This Article highlights people's "Right to respect for private life, family life and the home." The Co-operative will seek to ensure policies deal effectively with anti-social issues, noise pollution, neighbour disputes, etc., and policies will avoid exacerbating any issues.		
Our policy has taken account of Article 14 of the Human Rights Act	This article highlights the "Prohibition of Discrimination" in any areas of the Co-operative's work. The Co-operative will seek to ensure its policies and decisions are based on the merits of each case and nothing to do with a protected characteristic. The only exception would be a policy / service designed to help a particular group i.e. sheltered housing, caretaker service (designed particularly to benefit the elderly and disabled).		

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1. Briefly describe the **aims, objectives and purpose** of the policy/proposal	The aims, objectives and purpose of this policy are: • communicate clearly what standards of behaviour are acceptable and how anti-social behaviour impacts our tenants and their families • to tackle anti-social behaviour by prevention, enforcement and providing support for victims
2. Who is intended to **benefit** from the policy/ proposal? *(e.g. applicants, tenants, staff, contractors)*	Tenants, staff, the Management Board and any other stakeholders.
3. What **outcomes** are **wanted** from this policy/ proposal? *(e.g. the benefits to customers)*	To assist tenants maintain the quiet enjoyment of their homes by operating a policy and procedure which we endeavour to prevent situations arising which might lead to neighbour complaints.

4. Which **protected characteristics** could be **affected** by the proposal? (*tick all that apply*)

☐ Age ☒ Disability ☐ Marriage & Civil Partnership ☐ Pregnancy/Maternity ☒ Race

☐ Religion or Belief ☐ Gender ☐ Gender Reassignment ☐ Sexual Orientation

5. If the policy/proposal is not relevant to any of the **protected characteristics** listed in part 4, state why and end the process here.

There are protected characteristics relevant to this policy.

6. Describe the **likely positive or negative impact(s)** the policy/proposal could have on the groups identified in part 4.	**Positive impact(s)**	**Negative impact(s)**
	The policy has a positive impact on all groups – it provides information on how tenants can make a complaint, how this will be categorised, the support the Co-operative provide to victims and timescales for action.	**Race** There may be negative impact on those for whom English is a second language who may find it more difficult to understand and navigate the process of reporting a complaint. **Disability** Applicants with additional support needs i.e. visual impairments/learning disabilities may find it difficult to report a complaint.

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7. What **actions** are **required** to address the impacts arising from this assessment? *(This might include; collecting additional data, putting monitoring in place, specific actions to mitigate negative impacts).*	**Race** Amend systems to ensure that tenants are aware of the availability of information in a variety of formats (free of charge) on request. The Co-operative appoint the services of Happy to Translate and Global Languages to assist tenants to report anti-social behaviour. We also have the option to change the language on our Website for user whose first language is not English. **Disability** Additional support to tenants with additional needs i.e. visual impairments through the provision of information in alternative formats. The provision of additional support to tenants with learning support to report a complaint.

Signed: M. McCarthy Job Title: Senior Housing Officer

Date the Equality Impact Assessment was carried out: 1st December 2025

Please attach the completed document as an appendix to your policy/proposal report

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