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| HOUSING MANAGEMENT |
| NEIGHBOUR RELATIONS POLICY |
| September 2024 |
| September 2027 |

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| Policy on : | Anti Social Behaviour |
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|---|--|
| Compliant with Charter : | 1. Equalities 2. 2. Communication 6. Estate Management, anti social behavior, neighbour nuisance & tenancy disputes |
| Compliant with New Regulatory Framework: | Regulatory Standards of Governance and Financial Management: Standard 2 and 6. |
| Compliant with Community Participation Strategy: | Yes |
| Compliant with Equal Opportunities : | Yes |
| Equality Impact Assessment | Yes |
| Compliant with Business Plan: | Objective 2: Refine our Customer Service & Support Model Objective 5: Invest in Partnership Working |
| Date of Board Approval Updated: | 29th September 2020 |
| Date for review : | September 2024 |
| Responsible Officer : | September 2027 |
| | Head of Housing |

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1.0 Introduction

Paisley Housing Association understands our responsibility to ensure that our tenants can enjoy their home. Our tenants also have a responsibility to make sure their actions do not interfere with their neighbours' quiet enjoyment of their home.

Tenants enter into a Tenancy Agreement, which details the responsibilities of both PHA and tenants regarding 'respect for others'. We will not tolerate any level of neighbour nuisance or any form of anti-social behaviour and where necessary the Association will use the most robust measures available to control or prevent such behaviour including eviction.

This Policy sets out a framework for how Paisley Housing Association (PHA) will deal with neighbour nuisance complaints i.e. Anti Social Behaviour (ASB).

2.0 Principles

The following principles govern the operation of this policy:

- 2.1 To provide a transparent service which meets the needs of the community
- 2.2 To promote early intervention when dealing with neighbour disputes and anti-social behaviour.

3.0 Aims & Objectives

- 3.1 Apply terms of our tenancy agreement in relation to respect for others
- 3.2 Clearly define behaviour which would be categorised as ASB
- 3.3 Outline the ways in which ASB and neighbour disputes will be dealt with
- 3.3 Seek to resolve neighbour nuisance complaints
- 3.4 To deal promptly and effectively with anti-social complaints, making full use of available legal sanctions as necessary
- 3.5 Provide staff with clear guidelines on dealing with neighbour disputes and anti-social complaints, supported by internal procedures
- 3.6 Meet legislative & regulatory requirements in dealing with ASB
- 3.7 Work in partnership with Council services and Police Scotland

4.0 Definition

4.1. Anti Social Behaviour

The Anti Social Behaviour etc (Scotland) Act 2004 Section 143 defines anti social behaviour as follows:

A person engages in anti social behaviour if they:

- **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

The Association's Tenancy Agreement defines anti social behaviour as; "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."

The Association therefore does not consider one off incidents as anti social behaviour. The exception to this would be a one off incident of such seriousness e.g. not just noise, but that the Police/ Noise Enforcement Officer have been in attendance and issued a warning/ arrest.

One off incidents are recorded as such and only where there is a further incident within 1 month, will the case be deemed to be nuisance and will be dealt with as a Category C complaint from the date of the second complaint.

We recognise that behaviour which may be upsetting or cause offence to one individual may not be an issue to someone else. We will consider all allegations of anti-social behaviour based on the merits and context of each case, however, the legal definition of anti social behaviour forms the basis of our efforts to manage it.

For the purposes of taking action on the grounds that tenancy conditions have been broken, it will be necessary to establish that the behaviour can be attributed to either the tenant, a member of the tenant's household, a lodger, sub tenant or a visitor.

The Association would also require that corroborating evidence is provided from at least two sources (not of the same household) supporting the details of the anti social behaviour complaint.

4.2. Hate Crimes and Harassment

We recognise the seriousness of discrimination or "hate crimes" & harassment and complaints of this nature are dealt with under our Harassment & Hate Crimes Policy.

4.3. Other definitions

Complaints relating to breaches of tenancy for the maintenance of common areas e.g. the condition of the close and gardens, vandalism and graffiti, parking issues and rubbish dumping are dealt with under our Estate Management Policy.

Complaints relating to dog fouling where the dog owner is identified will be treated as a category C complaint and will be dealt with in accordance with our Pet Policy.

5.0 Legislative Framework

The Association is required to act in accordance with the law. The key pieces of legislation are;

- Housing (Scotland) Act 2014
- The Housing (Scotland) Act 2010
- Antisocial Behavior etc (Scotland) Act 2004
- Housing (Scotland) Act 2001
- Equality Act 2010
- Data Protection Act 2018
- Human Rights Act 1998
- Hate Crime Public Order (Scotland) Act 2021
- Protection from Harassment Act 1997

6.0 Scottish Housing Charter

This policy also takes into account the requirements set out in the Scottish Social Housing Charter outcome 6; 'tenants and other customers live in well-maintained neighbourhoods where they feel safe'

The Association reports annually to the Scottish Housing Regulator (SHR) on its performance in respect to ASB. Each social landlord is required to submit the following to the SHR:

- The number of cases of ASB reported in the last year & of those;
- The number of cases resolved in the last year

In accordance with the SHR, complaints will be considered to be resolved where;

- The Association has taken appropriate measures to address the cause of the ASB and has advised the complainant of the outcome or;
- The Association does not have the authority or powers to resolve and have provided a full explanation of our position to the complainant.

Where there is a further complaint about the same thing within 3 months the Association will open as a new case and escalate the action to the next stage.

Where there is a pattern emerging that a tenant who receives a warning waits until after the 3 month period and then resumes their action, the Association will deem this to be persistent anti social behaviour and escalate to the next stage of action.

Should these cases progress to court stage the Association will provide the complaints history to explain why it is still pursuing the action after there has been a quiet period.

The Association will also have regard to Section 3 of the Scottish Secure Tenancy Agreement which states:

'You, those living with you, and your visitors, must not harass or act in an anti-social manner to pursue a course of anti-social conduct against, any person in the neighbourhood. Such people include residents, visitors, our employees, agents, and contractors and those in your house.'

In particular, you, those living with you and your visitors must not: 'harass or assault any person in the house, or neighbourhood, for whatever reason. This includes that person's race, colour or ethnic origin, nationality, gender, sexuality, disability, age, religion or other belief, or other status.

7.0 Equality and Diversity

We are committed to preventing discrimination and providing equal opportunities for everyone. In applying this policy, we will not discriminate against any individual, household or group on grounds of race, gender, sex, marital status/civil partnership, gender reassignment, sexual orientation, pregnancy or maternity, religion or belief, language, social origin, disability, age or any other personal attribute.

We will make this policy available in alternative formats such as large print or Braille on request. Translation services for other languages can also be made available and where practical we will arrange for an interpreter if you speak a language other than English.

An EIA was considered by Alan Graham in September 2024. We were satisfied that this policy does not have any obvious negative impact on protected groups but this will be reviewed in September 2027.

8.0 Wider Framework

We recognise that the delivery of other services provided by us can make a positive impact on either resolving or reducing the risk of anti social behaviour. These are;

- Common Allocations Policy
- Short Scottish Secure Tenancy Policy
- Estate Management Policy
- Harassment & Hate Crime Policy
- Recharge Policy
- Domestic Abuse Policy
- Pet Policy

9.0 Multi Agency Working

PHA recognises that we cannot prevent or manage ASB without working in partnership with other agencies. The Association will work with various external agencies to resolve neighbour disputes and anti social behaviour.

These will include:

- Police Scotland
- Renfrewshire Council's;
 - Community Safety Partnership (CSP)
 - Environmental Services
 - Noise Enforcement Officers
 - Community Safety Team
 - Neighbourhood Wardens
 - Youth Officers
 - Housing Support
 - Social Work & related support agencies

We use the services of Renfrewshire Council's Community Safety Partnership (CSP) to investigate serious and /or persistent ASB.

To facilitate collaborative work we will;

- Complete and maintain data sharing protocols with our partner agencies.
- Attend 6 weekly buddy meetings with a designated ASB Investigator, Mediator and Youth Officer to review active cases
- Attend regular meetings at the Community Safety Hub

The Association's procedures for dealing with neighbour nuisance complaints will take cognisance of Renfrewshire Council's processes, with the exception of undertaking investigations into complaints of anti social behaviour about owners/ private tenants within closes where we have tenants. We immediately refer these complaints to the Council's Community Safety Investigator.

Cases of sexual offences are referred to the Renfrewshire Council's MAPPA Housing Liaison Officer from court and/or Police Scotland.

For complaints regarding drug dealing/cultivation we will categorise these as Category A and refer it immediately to Police Scotland. As this concludes the action we can take, the case will be classed as resolved. We will however continue to monitor the case and stay in contact with the complainant to monitor the situation. Any subsequent information will be passed in confidence to Police Scotland who will route appropriate intelligence through the Community Safety Hub to facilitate case building from the outset of incidents. When the police advise on a drugs dealing or cultivation conviction, the Association will open as a new complaint and take action against the offending tenant.

10.0 Preventative Action

PHA believes preventative action is integral to effective ASB management. We want to try to do everything we can to prevent ASB before it starts. Accordingly we have a number of measures to minimise the circumstances that can give rise to ASB. These include;

- Pre tenancy advice
- Providing information on our website
- Promoting awareness of neighbour nuisance and anti-social behaviour and ways of addressing it
- Applying secure by design in any new development works including any major environmental works.
- Having clauses in our tenancy agreement on anti-social behaviour
- Highlight the section of the Scottish Secure Tenancy (SST) agreement at sign up relating to respect for others
- Requiring new tenants to sign up to a good neighbour agreement
- Providing information at the New Tenant Visits
- Working in partnership with other agencies to adopt preventative and responsive measures to tackle anti-social behaviour
- Use of Short Scottish Secure Tenancy (SSST) at start of tenancy where appropriate
- Monitoring SSSTs awarded due to previous ASB in preparation for moving to a full SST

11.0 Support for Vulnerable Complainants / Perpetrators

The Association recognises that some complainants may be vulnerable and have specific support needs. Where this is either suspected or identified, we will look to signpost individuals towards support agencies who may be able to assist in advocating on behalf of the complainant.

Where it is suspected or identified that perpetrators of ASB also have support needs and that this may be contributing to or resulting in ASB, this will be considered when deciding what formal action will be taken. As part of the assessment, we will look to signpost individuals towards support agencies who may be able to help, including any agencies that may be able to assist in advocating on behalf of the perpetrator. Where a vulnerable perpetrator refuses to engage, stops engaging or accepts support but the behaviour continues then we will then consider formal action to resolve the matter.

Consideration will also be given to referring to our Tenancy Support service, although any referral will have to be cognisant of any potential conflict of interest and may not be able to support in certain areas.

12.0 What is not Anti Social Behaviour

We understand that people have differing lifestyles, perceptions about behaviour and tolerances. Paisley HA will not normally become involved in situations which are not of a serious nature or are not a direct breach of a condition of our tenancy agreement. Appendix 1 details actions which the Association does not consider to be anti social behaviour and therefore will not deal with as such.

In these circumstances complainants will normally be advised to seek resolution of any such problems by;

- Discussion with those allegedly causing the problem
- Assistance of our Housing Officers acting as mediators or
- Self refer/provide support by making a referral to Renfrewshire Council's Mediation Service

Where we will not deal with a complaint we will, if possible, give advice on other agencies that may be able to help or may recommend a referral to our/Renfrewshire Council's mediation services.

Although the Association considers that general household noise is not anti social behaviour, in extreme cases we may become involved. For such cases, the Association will;

- Undertake checks to establish if the property the noise is coming from has adequate floor coverings. Where this is laminate or wooden flooring, we will establish if the tenant has obtained written permission from the Association to install the flooring. Where tenants have not obtained permission they will be required to remove the flooring and fit alternative floor coverings. Tenants will be given a reasonable period of time to carry out this work.
- Where floor coverings are not considered to be the cause of the noise travelling between properties, the Association will refer the complainant to Renfrewshire Council's Noise Enforcement Team to have noise recording equipment installed. This is required to determine if the noise levels are above the legal limits. Where the noise is not above the legal limits, parties will be offered mediation to try to reach an amicable resolution.
- For issues relating to noise, e.g. use of electrical appliances out with our acceptable hours, HO will speak with the tenant using the appliances and request that they show consideration to their neighbours.

Where this does not resolve matters, we will require the complainer to have noise recording equipment installed within their property to determine if the noise levels exceed that of the legal limits. Where this is the case, we will take action against the offending tenant.

Where the complaint is regarding noise levels between 2 flats, we will as part of our investigations establish what floor coverings are in the flat above to determine if this could be a factor/what can be done about this (permission for wooden flooring is only given where tenants evidence they have purchased the required underlay for the flooring)

Where the noise levels are not above the legal limits we will be unable to take any further action.

- Complaints regarding breaches of tenancy for the maintenance of common areas are dealt with in accordance with our Estate Management Policy and procedures.
- Complaints regarding dog fouling where the dog owner is not identified will be dealt with in accordance with our Estate Management Policy & Pet Policy.

13.0 Categorisation of ASB Complaints

We categorise complaints so that there is a consistent approach and to clarify the likely response from the Association, however, it should be noted that not all cases will be easily categorised.

The Association will accept verbal or written complaints made by an individual, third party acting with the written permission of an individual and anonymously. Complaints may also originate through partner agencies who attend the Community Safety Hub meetings.

We will accept anonymous complaints but it may make it harder to achieve an outcome if we are unable to gather further information from the complainer.

The complainant will be kept informed throughout the investigation but in accordance with GDPR, no confidential information will be released. This means that we can tell a complainant if their complaint was upheld but we cannot tell them what action we have taken against a tenant.

All complaints will be recorded, categorised and a diary sheet created. Staff will take account of the Association's risk register and either parties vulnerability in deciding the correct approach to dealing with the complaint.

| Category | Definition | Examples | Investigation Timescale from receipt of complaint |
|----------|------------------|---|---|
| A | Very Serious ASB | Drug dealing, sex offenders, harassment, hate crime, racial harassment, violence towards neighbours, Association staff or others. Reports of this type of behaviour must be reported to the police by the complainant | 1 working day |

| | | | |
|---|---------------------------------|---|-----------------|
| B | Serious ASB | Frequent disturbances, excessive noise, persistent noise, nuisance as a result of alcohol or drug abuse and clashes of lifestyle | 10 working days |
| C | Nuisance cases | Nuisance cases which include infrequent disturbances, running a business from home or vandalism | 15 working days |
| Y | Youth Disorder | Nuisance cases due to youths under age 16 causing issues in local community. These will be reported to Police Scotland & Renfrewshire Council Youth Officer <i>NB Were we receive reports of ASB regarding under 16 year olds who reside at our tenancies, this will be dealt under category B or C as required.</i> | 15 working days |
| P | Private Tenants/Factored Owners | Cases relating to a private tenant or a factored owner of PSPS will be referred to RC Community Investigation Team to action | 1 working day |

Appendix 2 details our response times for ASB complaints.

Where a tenant is a repeat offender of infrequent nuisance, desisting from causing nuisance for the 3 month period after a warning has been issued and then resumes thereafter, the Association will consider a new case as being a frequent disturbance and define as a Category B complaint and action accordingly.

14.0 Roles of Parties Involved in Anti Social Complaints

14.1 In line with this policy and our internal procedures, the Association will;

- Ensure that complainants are made aware of what is and is not within the Association's remit (see Appendix 1)
- On receipt of an anti-social complaint, determine if another agency such as police, or Council's CSP need to be involved
- For one off or Category C complaints, encourage the complainant to approach their neighbour in the first instance to try to rectify the situation (only where they consider it safe to do so)
- Advise the complainant of our timescales for responding to the initial complaint
- Advise what action the complainant/s and/or other tenants need to do to help the Association progress any complaints received. This will be made clear to the complainant from the outset, otherwise a positive resolution to the case may not be possible
- Advise complainants who fail to follow guidance issued that the Association may not be able to resolve their complaint
- Keep the complainant informed on the progress of the case, ensuring confidentiality is kept of other parties involved in accordance with GDPR
- Monitor complaints following any action taken being taken by the Association

14.2 Complainants

Our most common complaint is noise nuisance. To action these complaints we require corroborative evidence. We therefore promote in the first instance that a tenant, if they feel able to do so with due regard to personal safety, approach their neighbour if possible and request that their neighbour reduces the noise. If the noise is excessive they should contact the Police or Noise Enforcement Officers while the noise is occurring.

Where a group of neighbours complain about the same neighbour but are unable to provide corroboration for individual instances of ASB, the Association will offer to set up a meeting with all complainants to discuss the problems and reinforce the importance of neighbours communicating with each other to provide corroboration where required.

Very serious cases of ASB are infrequent. However, we recognise that when they occur they can have a significant impact on the victims of ASB. Our most serious cases include the supply/intent to supply or the cultivation of drugs to supply.

Where a group of neighbours complain about drug dealing or other criminal behaviour within their close and the case has been referred to the Police the Housing Officer will invite both the complainants and Police to a meeting.

Complainants will also be directed to Crimestoppers should they wish to report instances of drug dealing or other criminal behaviour and wish to do so anonymously.

14.3 Mediation

The Association will offer tenants a referral to Renfrewshire Council's mediation service where it considers it an appropriate action to resolve the complaint. Both parties must agree to the referral.

Mediation can also be undertaken internally by a Housing Officer qualified in mediation who is independent of the case where this is deemed appropriate e.g. low level issues such as washing machine noise where HO intervention may be beneficial.

Mediation will not be considered where criminal charges have been made against either party in relation to the behaviour.

14.4 Support

On receipt of a complaint identify if either parties to the complaint are vulnerable and if there is a support agency in place, we will, with the permission of the tenant, make contact with their support provider to seek their assistance in resolving the complaint.

- Offer both a perpetrator of anti social behaviour who is vulnerable and a victim of ASB referral to specialist support agencies where the tenant agrees to this.

15.0 Mixed Tenure Properties

The Association's estates are of mixed tenure comprising of tenants of the Association, private tenants and owners.

The Association will be responsible for investigating complaints of anti social behaviour by its tenants and taking appropriate action.

The Association's subsidiary Paisley South Property Services provides a factoring service to owners in closes where we manage rented property. Complaints from an owner about the behaviour of a PHA tenant will be investigated.

The table below details the action we will take to address anti social behaviour where both parties are not Association tenants.

| Party 1- Complainant | Party 2 Person being complained about | Action | Timescales |
|------------------------------------|--|---|---------------------------------|
| Owner/Private Tenant/Private Party | PHA Tenant | <ul style="list-style-type: none"> Investigate complaint in accordance with ASB policy and internal procedures | As per Cat A, B or C timescales |
| PHA Tenant | Owner | <ul style="list-style-type: none"> Refer to Council Community Safety Investigator Keep in contact with our tenant while the issue is being investigated to ensure our tenant is supported | 1 working day |
| PHA Tenant | Tenant of private landlord | <ul style="list-style-type: none"> Refer to RC Community Safety Investigator Contact private landlord to advise of issue with their tenant Keep in contact with our tenant while the issue is being investigated to ensure our tenant is supported | |
| Tenant of private landlord | Tenant of private landlord | <ul style="list-style-type: none"> Refer Complainer to RC Community Safety Investigator Contact private landlord to advise of issue with their tenant | |
| Owner | Owner | <ul style="list-style-type: none"> Refer Complainer to RC Community Safety Investigator | |
| Owner | Tenant of private landlord | <ul style="list-style-type: none"> Refer Complainer to RC Community Safety Investigator Contact private landlord to advise of issue with their tenant | |

We will support our tenants when complaints have been made about owners or private tenants by liaising with Renfrewshire Council's Community Safety Investigator. The Council will contact our tenants however due to GDPR, the Council may not be able to advise the Association on details of the case other than to say if the complaint was upheld or not.

16.0_ Actions

16.1 No Corroboration

Where there is no corroboration of anti social behaviour and the Association cannot take action, we may recommend mediation.

16.2 Established Breach of Tenancy

Where there is an established breach of tenancy PHA will consider the action that best delivers a proportionate and flexible response to the ASB reported. In most cases we will take action as follows;

- Verbal Warning
- Written Warning
- Referral to RC Community Safety Partnership

Where CSP are unable to resolve the issues with the tenant and anti social behaviour continues, the CSP will prepare a report to the Association recommending action to be taken e.g. NOP or court action. The case will then be passed back to the Association to take the action forward.

Where legal action is considered, measures may include;

- Anti Social Behaviour Orders (ASBO) and Interim Anti Social Behaviour Orders (Interim ASBO)
- Conversion to Short Secure Tenancy Agreement (SSST)
- Interdicts
- Action for Specific Implement
- Recovery of Possession of a tenancy by eviction

In addition to the above, the Housing (Scotland) Act 2014 introduced new powers to complement existing measures to address ASB.

A summary the changes introduced by the 2014 Act include:

- A new SSST for ASB
- Allowing a landlord, without going to court, to give a SSST to a new or existing tenant where that person, or other specified person, has demonstrated the specified ASB within previous 3 years
- Setting a new term of 12 months for a SSST given on any of the antisocial behaviour grounds
- Giving landlords the flexibility to extend a 12 month SSST given on any of the antisocial behaviour grounds for a further 6 months where housing support services are in place and where for example, sufficient improvement in behaviour has not yet been demonstrated
- Automatic conversion to a Scottish Secure Tenancy (SST) at the end of the 12 month term for a SSST given on any of the antisocial behaviour grounds, unless the landlord has taken action to repossess the tenancy;
- New provisions for cases where a landlord is seeking recovery of possession of a house let under a SSST on any grounds and a new right of review for tenants

- A new streamlined eviction ground where there has been a recent criminal conviction punishable by imprisonment for tenancy related ASB within the previous 12 months.

The Association's Common Allocations Policy includes a provision for dealing with the granting of SSSTs for new tenancies.

The 2014 Act powers extends the circumstances in which a landlord can serve a notice on a tenant converting an SST to a SSST;

a) The tenant (or any of joint tenants), a person residing or lodging with, or a subtenant of, the tenant or a person visiting the house has, within the period of 3 years preceding the date of service of the notice-(a) acted in an antisocial behaviour manner in relation to another person residing in, visiting or otherwise engaged in lawful activity in the locality of a house occupied by the person, or

(b) pursued a course of conduct amounting to harassment of such other person, or a course of conduct which is otherwise antisocial conduct in relation to such other person. The changes mean that where a tenant, any one of joint tenants, a person living with or lodging with the tenant, a subtenant of the tenant or any visitors to the house, has within the last 3 years behaved antisocially towards anyone living in, visiting or going about their everyday activities in the locality of a house occupied by the person, or has harassed such a person on more than one occasion, landlords can consider converting an SST to a SSST for antisocial behaviour under the new "other antisocial behaviour" ground.

The exception to the above is when the incident involves drug dealing, cultivation for distribution, racial harassment, hate crime and serious assault by a tenant or members of their household. In these instances, the Association will normally seek eviction.

16.3 Criminal Charges

Where the anti social behaviour involves a criminal charge and there are no other collaborative complaints, the case is sub judice and the offence cannot be discussed or commented on until the legal case is over. The tenant could be warned if found guilty/ pleads guilty to a serious ASB offence committed in the tenancy or the vicinity of the tenancy that they may be in danger of losing their home.

17.0 Domestic Violence and Anti Social Behaviour

We have a separate policy for Domestic Abuse. Any complaints received that are subsequently identified to have occurred as a result of a tenant being a victim of domestic violence will not be categorised as ASB. Staff will refer to our Domestic Abuse Policy for dealing with cases of this nature.

While advice and support is being given, it will not be appropriate to utilise any form of interventions relating to the ASB while the victim is being supported. The Association will resume ASB procedures were it is deemed appropriate.

18.0 Reporting Performance

The Association will report annually on our performance in the ARC.

We will publish our performance to service users through our Annual Charter Report to Tenants and on our web site.

19.0 Training

The Association will identify individual training and support needs for staff at induction and through its annual appraisal process. Training on changes in legislation and good practice will be delivered as required and may be provided in conjunction with other partners.

Our Housing Officers qualified in mediation will provide this service as required.

20.0 Responsibility

The Board is responsible for approving the Policy.

The Head of Housing is responsible for;

- Delegated authority for approving enforcement of decrees for eviction
- Ensuring our partnerships are working
- Gathering performance information for the annual return to SHR
- Identifying any risk to the Association through addressing ASB

The Housing Manager is responsible for;

- Delegated authority to take court action and make recommendations to the Head of Housing for undertaking evictions following decree
- Approving conversion of SST to SSST where appropriate
- Ensuring procedures are being followed and identifying any performance issues.

Housing Officers are responsible for;

- Applying this policy & carrying out internal procedures.

21.0 Data Protection/GDPR

When implementing the policies and procedures of Paisley Housing Association all staff and Board members must adhere to and be aware of the requirements of the Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/679 (“the GDPR”).

In situations where there may be any doubt about the requirements of the above, the Association may seek the views of its legal advisors.

22.0 Complaints

The Association aims to ensure that the service provided to residents is of the highest quality. If this is not the case, a Complaints Policy and Procedure is in place to allow all residents or affected parties to state their grievance. The Scottish Public Services Ombudsman is the final stage of this process.

23.0_Review

This policy will be reviewed in full by the Association every 3 years. Amendments to the policy will be made in the interim to respond to any changes in legislation and to reflect any changes in any of the Association’s related strategies, policies and procedures.

Appendix 1

Everyday living noise or minor lifestyle differences are not classed as anti social behaviour and while complaints of this nature will be noted and where appropriate advice given, they will not be investigated under the terms of this policy.

Examples:

- Parties where the level of noise nuisance has been such that, Police/noise enforcement team have not been called and no other resident has made a complaint
- Incidents where the Police/ noise enforcement team have been called and don't issue any warnings and any person complaining doesn't have corroboration
- Noise from people walking across wooden/ laminate whilst wearing shoes, doors banging, noise from passage up and down stairs (unless it is proven to be excessive)
- Noise from people using washing machines, tumble driers, vacuum cleaners, lawnmowers etc between 6am & 10pm
- Cooking smells
- Smoking in closes/common areas (*excluding smoking of cannabis, which is considered as drugs offences and referred to police*)
- Balls going into neighbours gardens
- Children falling out with each other
- Noise from children playing in or near their own home including in shared back gardens between 8am & 9pm
- Where children are playing outside in small groups between 8am to 9pm causing no damage to landscaping or property.
- Vehicle nuisance, revving engines, loud music from car/motorbikes, careless driving, racing, parking irresponsibly
- Throwing snowballs
- Looking out of windows
- Dirty looks/rude gestures
- Noise associated with the playing of games
- Children drawing with chalk on paths/pavements in the vicinity of the property
- Fireworks
- Social media/ nuisance calls and/or texts

This list is not exhaustive, each case will be assessed individually on its merits.

Where we will not deal with a complaint we will, if possible, give advice on other agencies that may be able to help or may recommend a referral to our/Renfrewshire Council's mediation services.

Appendix 2

ASB Complaint Response Times

Category A Complaints

| Action | Timescale (from date of complaint) |
|---|---------------------------------------|
| Speak to Complainer | 1 working day |
| Issue ack letter to Complainer | 1 working day |
| Request Police Report via CSP Hub if required | 1 working day |
| Refer to CSP (if appropriate) | 1 working day |
| Liaise with CSP & Complainer | Minimum 6 weekly while case ongoing |
| Update complainer with outcome | 2 working days (when outcome known) |

Category B Complaints

| Action | Timescale (from date of complaint) |
|--|---|
| Speak to Complainer | 1 working day |
| Issue ack letter to Complainer | 2 working days |
| Request Police Report via CSP Hub if required | 2 working days |
| Make contact with witnesses/neighbours | 2 working days |
| Complaint justified; Issue verbal warning/ written warning/ Refer to CSP for Final written warning | 10 working days Prior to issuing a final written warning, the case has to be referred to CSP who will review and visit perpetrator |
| Review for mediation | 10 working days |
| Update complainer with outcome & offer advice if required | 10 working days (or within 2 days of warning issued/outcome known, whichever is soonest) |
| Close Case or Move to monitoring if warning issued | 10 working days |
| Review case for closing if warning being monitored (if no further ASB) | 12 weeks from date of warning |

Category C Complaints

| Action | Timescale (from date of complaint) |
|--|---|
| Speak to Complainer | 1 working day |
| Issue ack letter to Complainer | 2 working days |
| Request Police Report via CSP Hub if required | 2 working days |
| Make contact with witnesses/neighbours | 2 working days |
| Complaint justified; Issue verbal warning/ written warning/ Refer to CSP for Final written warning | 10 working days Prior to issuing a final written warning, the case has to be referred to CSP who will review and visit perpetrator |
| Review for mediation | 12 working days |
| Update complainer with outcome & offer advice if required | 12 working days (or within 2 days of warning issued/outcome known, whichever is soonest) |
| Close Case or Move to monitoring if warning issued | 15 working days |
| Review case for closing if warning being monitored (if no further ASB) | 12 weeks from date of warning |

Category Y Complaints (Youth Disorder)

| Action | Timescale (from date of complaint) |
|--|---------------------------------------|
| Speak to Complainer | 1 working day |
| Issue ack letter to Complainer | 2 working days |
| Contact Community Police | 2 working days |
| Contact Renfrewshire Council Youth Officer | 2 working days |
| Get updates from police via weekly Renfrewshire HUB meetings | Weekly while case is ongoing |
| Liaise with Complainer | Minimum weekly while case ongoing |
| Update complainer with outcome | 2 working days (when outcome known) |

Category 1st time Complaints

| Action | Timescale (from date of complaint) |
|--|---|
| Speak to complainer & give advice | 1 working day |
| Issue outcome of conversation letter to complainer | 2 working days |
| Monitor case | 1 month |
| No further complaints, close case | 1 month |

Exempt Complaints (Appendix 1 not ASB)

| Action | Timescale (from date of complaint) |
|--|---|
| Speak to complainer & give advice | 1 working day |
| Issue outcome of conversation letter to complainer | 2 working days |
| Close Case | 2 working days |