



**ESTATE MANAGEMENT  
POLICY HANDBOOK**

**MARCH 2018**

## EQUALITY AND DIVERSITY

**Scottish Social Housing Charter - SSHC 1:** Social landlords perform all aspects of their housing services so that:

*Every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.*

We aim to encourage an environment of equality amongst our customers, employees, committee members and other individuals. Our policy on equality and diversity sets out the principles that Thenue will apply to all its work in governance, employment and service provision. We will ensure that all our processes comply with our policy and that those suppliers of goods, services and works have Equal Opportunity policies.

Our information will be clear, simple and consistent, and personal information gathered for the purposes of monitoring equal opportunities will be handled in accordance with the principles set out within the Data Protection Policy. Individual monitoring forms will be used for statistical purposes only and destroyed on completion of analysing.

We will seek to ensure that there are no barriers as a result of gender or marital status, race, colour, disability, age, sexual orientation, language or social origin, or other personal attributes, including beliefs, or opinions, such as religious beliefs or political opinions.

## REVIEW

This policy and associated documentation will be reviewed every three years or earlier if statute and good practice dictates.

## AMENDMENT REGISTER

Where any amendment or revision is made to the policies contained in this handbook, the appropriate section should be updated and the date amended accordingly. The former policy handbook should be kept in a separate file for reference purposes and to demonstrate an auditable trail of policy development.

Amendments of a more 'cosmetic' nature (e.g. changing Communities Scotland to The Scottish Housing Regulator) do not require committee approval, however will be entered into the amendment register (below).

All relevant personnel should be made aware of the amendments/revisions made

Section(s)	Amendment	Date approved by -Committee	Next Review Date
All	Full review incorporating SSHC / deletion of ref to Performance Standards	12 November 2013	November 2016
All	Amendment to take account of changes introduced by Housing (S) Act 2014	20 March 2018	March 2021

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## ESTATE MANAGEMENT

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### 1. INTRODUCTION

- 1.1 This policy outlines the way in which Thenue Housing will deliver estate management services and how we will work in partnership with residents and other agencies to achieve sustainable communities. We recognise that good quality housing needs to be coupled with a decent quality neighbourhood, to make our areas desirable and sustainable in the long term.
- 1.2 Estate Management can be defined as the term which refers to services which aim to allow residents to have quiet enjoyment of their homes and a decent, safe and secure environment to live in. It can therefore cover a wide range of activities which focus both upon the people living in an area and on the physical environment of the area itself, for example:
- Enforcing tenancy and factoring conditions
  - Management of communal areas
  - Maintenance of the physical environment
  - Providing services which help to reduce crime and anti-social behaviour
- 1.3 Good estate management contributes to the safety and security of all our residents but we recognise that offensive graffiti and discriminatory harassment may impact more on people from some groups and lead to increased community tensions. Offensive graffiti and harassment may be directed at people because of colour, race, ethnicity, sexual orientation, gender identity, religion or belief and/or disability and we will prioritise dealing with these issues, in conjunction with relevant agencies.
- 1.4 We recognise that a decent quality neighbourhood is not dependent solely on the quality of our estate management services however, but relies on a broad range of organisations and interests to work together including:
- Thenue, as the local landlord and factor
  - The local community and
  - Other service providers (such as Council Departments, Community Safety Glasgow (CSG) and the Police).
- 1.5 The following Thenue policies should also be referred to in relation to our approach to estate management:
- Anti-Social Behaviour Policy
  - Allocations and Voids Policy Handbook

### 2 POLICY BACKGROUND

- 2.1 The Scottish Social Housing Charter most relevant to this policy is:

**6: Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes**

Social landlords, working in partnership with other agencies, help to ensure that:

- tenants and other customers live in well-maintained neighbourhoods where they feel safe.

- 2.2 The Scottish Secure Tenancy Agreement details the responsibilities of both Thenue as the landlord and of the tenant in relation to Estate Management. Under Section 2 – Use of the House and Common Parts, Thenue will:
- a) Ensure that it provides (either directly or indirectly) the estate management services for which it is responsible as a landlord.
  - b) Ensure that all tenants accept their estate management responsibilities as identified in the Tenancy Agreement.
  - c) Ensure that appropriate action is taken against any tenant failing to accept their responsibilities

### 3. POLICY AIMS

- 3.1 In delivering and monitoring estate management services, we will :
- Have a clear policy which meets good practice and encourages effective co-ordination between all those responsible for estate service delivery in our neighbourhoods.
  - Be pro-active in our approach to estate management and not solely rely on residents for identifying issues to be tackled. We will ensure that early action is taken to identify and resolve estate management problems.
  - Ensure that relevant staff make regular inspections of those areas being managed by them. (frequency of inspections is outlined in supporting procedures)
  - Protect our investment in our homes by ensuring that we provide an estate management service which ensures that the environment in and around our properties is maintained to the highest possible standard while also representing value for money.
  - Work in close co-operation with other organisations that provide services in local areas (i.e. cleansing, street lighting, roads, police, CSG etc).
  - Regularly monitor and evaluate all aspects of the estate management service including customer satisfaction with our services and the physical environment.
  - Build and design estates that contribute to our aim of providing attractive, secure and safe places to live.
  - Provide a range of genuine opportunities for tenant/resident involvement in and/or control over estate management services and the management of local areas.
  - Ensure quality information on all aspects of the estate management service is widely available in a variety of easily understandable forms.
  - Making it easy for residents to report estate issues through our Self Service App and Web Portal

### 4. IMPLEMENTATION

- 4.1 Thenue's Estate Management Service will include:
- The management and maintenance of communal areas and open spaces.

- A responsive approach to complaints from residents about the physical environment (complaints about neighbours are covered in our Anti-Social Behaviour Policy).
- The day-to-day management and maintenance of the external fabric of the properties.
- The monitoring of services provided by other agencies.
- The monitoring of tenants obligations in respect of estate management and proactive early action to deal with any issues arising.
- Arranging estate walkabouts between Area Services staff and local residents groups on an agreed cycle.

4.2 The following list represents some of the evidence which would result from good estate management within a neighbourhood:

- Little or no graffiti
- Little or no fly tipping or abandoned cars
- Tidy gardens and backcourts
- Clean communal areas (e.g. bin areas, closes)
- No vandalism
- Well maintained open spaces
- Few empty properties (other than those where lettings are suspended)
- Regular estate inspections with actions required followed through by staff

## 5. **MANAGING MIXED TENURE ESTATES**

We provide a factoring service to owners who live in mixed tenure estates where the Association manages rented property. Complementing these services are the associated estate management services which benefit the whole neighbourhood and also help to maintain property values within an estate. In providing such services we will ensure that:

- There is clear information provided for owners in respect of Thenue's and individual owners' responsibilities in relation to areas of common ownership.
- We put in place quality contracted common maintenance services which offer value for money to Thenue and owners
- There is effective collection of common charges for common maintenance services to ensure that owners contribute their fair share towards the costs of providing services.

## 6. **ESTATE MANAGEMENT SERVICES PROVIDED BY THENUE**

We will provide a range of estate management services, where appropriate, in our neighbourhoods. In particular we will provide the following services:

### 6.1 **A Garden Maintenance Service**

The Association maintains common areas but it is the tenant's responsibility to maintain individual gardens to a satisfactory standard. This has always been more difficult to enforce in some estates and house types particularly where tenement properties have front gardens.

The responsibility for maintenance and upkeep of front gardens to tenement property lies with the tenant of the adjacent ground floor flat (unless Thenue has

agreed with the tenant to take on responsibility for this). Tenants of houses and cottage flats are responsible for the maintenance of front, side and rear gardens (with the exception of specific supported and retirement housing projects).

Tenants (and other household members) usually fail to maintain their gardens because of mobility problems and/or ill-health. However in some cases it is due to a lack of interest or resources to look after a garden.

Where a tenant is able to maintain their garden but chooses not to, we will take action if required to get them to adhere to their obligations. This may include getting their garden cut or the complete removal of overgrown hedges (see 6.1.2 below). All costs incurred may be recharged where a tenant consistently fails to undertake their responsibilities.

Some tenants however, for a variety of reasons, may be unable to maintain their gardens and in the circumstances listed below we may provide assistance:

**6.1.1 Those tenants unable to maintain their garden for medical/mobility reasons.**

In the first instance the tenants' requests will be referred to the Glasgow City Council (GCC) scheme for residents where there is no one in the household fit enough to maintain the garden without assistance ("Assisted Garden Maintenance Service").

Where there is no place on the GCC scheme available, the tenant's garden may be maintained under the Association's own Assisted Garden Maintenance Scheme. This will be subject to assessment guidelines, priority and available funding through Thenué's annual landscape maintenance budget. No service charge will apply. The application form for Thenué's ~~our~~ garden maintenance scheme will detail our assessment guidelines. Thenué reserves the right to withdraw this service at any time.

Where no place is available on either the GCC or Thenué's scheme and the tenant does not want to pay in advance for maintenance tenants will remain responsible for maintaining their garden. In such circumstances friends and relatives may have to assist until a place on a garden maintenance scheme is forthcoming.

**6.1.2 For estate management and letting reasons.**

This is not a "tenant request" scheme but would only be where identified by the Area Services & Repairs Manager on a close-by-close basis; subject to the estate management needs of the area and the funding available from the reactive maintenance budget. This may involve one-off cuts or hedge removal to assist tenants maintain the garden in the future. The Area Services & Repairs Manager may also decide to maintain gardens on an ongoing basis to enhance the lettable of a close or street. This will be reviewed on a regular basis and may be withdrawn at any time subject to reasonable notice being given to the tenant responsible for taking on the maintenance of the garden.

### 6.1.3 **Void (empty) properties gardens**

During the growing season normally March to October, this will be funded from the area environmental maintenance budget.

## 6.2 **Close Cleaning Services**

6.2.1 In line with their tenancy agreement or, if an owner, with their title deeds, generally tenants and residents will be responsible for cleaning stairs and windows. This is usually from and including their landing down to the start of the next landing and will be expected to take their turn cleaning other common parts such as common entrance doors and stairs and landings where no flat is accessed from that landing.

6.2.2 We may, where a close cleaning service is not in operation, set up a rota to ensure that all stairs, landings and windows are regularly cleaned.

6.2.3 If a close fails to undertake their responsibilities we may consider imposing a full close cleaning service, subject to variations to a Tenancy Agreement, where appropriate.

6.2.4 We may also implement, where appropriate, a cleaning service for common closes and windows and actively encourage its uptake with residents. Where we do this, we will ensure that the close and window cleaning contract is self-financing (i.e. all residents including owners receiving the service should be required to pay an equal share of the cost of the service).

6.2.5 We aim to achieve a standard specification for the contract(s) in all areas, and periodically review the contract conditions and the service provided. We will regularly inspect all common closes to ensure that the resident or contractor is fulfilling their obligations to clean stairs and windows to a satisfactory standard.

6.2.6 Where Thenue introduces a close cleaning service the tenant and owner will pay for this service and responsibilities will pass to a contractor employed by Thenue to take over cleaning responsibilities. Although Thenue can introduce or withdraw the close cleaning service the tenant would be in breach of their tenancy agreement if they fail to pay the close cleaning charge whilst the contract is in operation. An individual tenant in these circumstances cannot ask to withdraw from a service which applies to their close.

## 6.3 **Review of Contracts**

We will regularly monitor and review all of our service contracts such as Landscape, Backcourt/Bin Store Maintenance and Close Cleaning to ensure value for money is achieved, and report as required as appropriate to local residents groups.



## 7. ESTATE MANAGEMENT SERVICES PROVIDED BY OTHER AGENCIES

7.1 Other agencies may provide the following services within our neighbourhoods:

- Refuse Disposal
- Graffiti Removal
- Street Sweeping
- Bulk Refuse uplift
- Street Lighting
- Close Lighting
- Neighbourhood CCTV
- Pest Control
- Dog Warden Service
- Community Wardens/Patrol Officers

In particular we will work in partnership with Community Safety Glasgow to maximise use of their services to deal with a range of estate management issues.

7.2 We will work in partnership with our residents groups to ensure that our neighbourhoods receive the best possible service from Local Government Departments, CSG and other agencies with responsibility for providing the above services. We will devise remedies for failing services, in conjunction with service users.

### 7.3 **Sourcing External Environmental Grants**

We will aim to maximise income from external grant funding bodies which can contribute to the physical, social and economic improvement of our neighbourhoods.

## 8. INFORMATION

A copy of the summary policy, will be made available, where required, in other languages.

## 9. TRAINING

Thenue will provide appropriate training for all staff who have to deal with estate management in the course of their duties.

## 10. MONITORING

10.1 It is necessary to collect and analyse good quality information about estate management. In conjunction with service users we will set targets and monitor trends.

10.2 We will report as required to our Board, tenants' and residents' associations/groups and relevant contractors. We will also investigate the reasons for failure to meet standards or targets, as indicated by the performance review process and take action where required.

10.3 We will evaluate the costs of providing the estate management service to ensure the service provides value for money.

**11. RESPONSIBILITY**

The Area Services & Repairs Manager is responsible for ensuring this policy is implemented and for monitoring performance.

Property Services and Factoring staff will also be involved in implementing this policy.

The Head of Housing is responsible for reviewing this policy.

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## ANTI-SOCIAL BEHAVIOUR

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**1. INTRODUCTION**

1.1 This policy aims to clearly set out Thenue's approach and commitment to tackling Anti-Social Behaviour (ASB). It outlines what type of action that Thenue might take in response to such behaviour. On an annual basis our Area and Regeneration Management Plans will set our local priorities for tackling ASB.

1.2 The following Thenue policies should also be referred to in the context of our approach to responding to anti-social behaviour

- Estate Management Policy
- Allocations Policy

**2. SCOTTISH SOCIAL HOUSING CHARTER**

The Scottish Social Housing Charter most relevant to this policy is:

**6: Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes**

Social landlords, working in partnership with other agencies, help to ensure that:

- tenants and other customers live in well-maintained neighbourhoods where they feel safe.

**3. DEFINITIONS**

3.1 Thenue's Scottish Secure Tenancy (SST) at Section 3 - Respect For Others (paragraph 3.1) notes the tenant must ensure that:

*'You, those living with you, and your visitors must not harass or act in an anti-social manner to, or 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 paragraph 3.2 it further clarifies that *'anti-social means 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'*.

3.2 Although many neighbour disputes relate to issues such as stair cleaning and are, not necessarily seen as 'anti-social behaviour' as such, the Association recognises that many complaints of anti-social behaviour have their origins in disputes over stair cleaning, use of drying greens etc. Section 8 of this document defines anti-social behaviour further and gives examples of specific activity which are categorised according to the likely response from the Association.

#### 4. STATUTORY FRAMEWORK FOR TACKLING ASB

##### Anti- Social Behaviour Act 2004

This Act sets out the main powers of enforcement available to housing associations and others in tackling anti-social behaviour (notwithstanding those available as a result of a breach of tenancy).

The Act defines anti-social behavior as follows:

*A Person engages in anti-social behaviour if he/she*

- (a) acts in a manner that causes or is likely to cause alarm or distress; or*
- (b) 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.*

##### Housing Scotland Act 2014

The following measures were introduced in this Act to help tackle and prevent ASB:

- Allowing a landlord, without going to court, to give a **short SST to a new tenant** where that person, or other specified person, has demonstrated the specified antisocial behaviour within the previous 3 years;
- Similarly, allowing a landlord, without going to court, **to convert a Scottish Secure Tenancy (SST) to a short SST**, where an existing tenant or other specified person has demonstrated the specified antisocial behaviour within the previous 3 years;
- Setting a new **term of 12 months for a short SST** given on any of the antisocial behaviour grounds, 18 months in cases where an extension applies – as set out below;
- Giving landlords the **flexibility to extend a 12 month short SST** 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 short SST given on any of the antisocial behaviour grounds, unless the landlord has taken action to extend the tenancy for a further 6 months, or 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 short SST on any grounds**. These include the flexibility for landlords to use the procedures at section 14 of the 2001 Act to take possession action at any stage during the term of the tenancy, providing the tenant with reasons for the landlord taking action under section 36 of that Act (including in antisocial behaviour cases, the obligations of the tenancy which have been broken), and a new right of review for tenants.
- New provision to give 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 court must make an order for recovery of possession of the house without considering whether the court thinks it is reasonable to do so).

### Framework for Tackling ASB

The Scottish Government's Framework for tackling ASB in Scotland is about promoting positive outcomes:

- by preventing ASB before it occurs;
- by resolving ASB effectively at an early stage when it does occur;
- by agencies working together more effectively;
- by communities being more involved in developing sustainable local solutions; and by communicating positive, evidence-based messages about our people and places.

The key message of this Framework is that communities are best served by not having to experience ASB in the first place and as such prevention, through meaningful community engagement, should be the focus of local approaches. It is only by preventing problems before they occur or intervening early when they do that we will deliver long-term sustainable solutions for communities.

The Framework represents a change in emphasis from solely focusing on the legislative measures in the ASB 2004 act, to place prevention and early and effective intervention at the heart of action to tackle ASB. This is something that Thenue strongly endorses and is committed to only using enforcement measures where more positive approaches to tackling ASB in our communities have failed.

## 5. POLICY OBJECTIVES

- 5.1 Thenue Housing understands the effects of neighbour nuisance, anti-social behaviour and harassment on individual tenants and communities. We believe that all tenants have a right to live peacefully in their homes and as such, take very seriously, the issue of anti-social behaviour which adversely affects that right.

In addition to the above statement we make the following commitments:

The Association will:

- Adopt policies and practices which aim to enable residents to live peacefully in their community.
- Aim to minimise the opportunities for conflict between neighbours.
- Make every attempt, within its resources, to enable all residents of Thenue property to live without undue disturbance or disruption from other tenants.
- Take all complaints about anti-social behaviour seriously
- Take a non-judgemental approach in the early stages of investigation, recognizing that some complaints may be unfounded or even malicious.
- Ensure all staff are regularly trained on how to deal with anti-social behaviour and neighbour disputes.
- Implement legal and good practice at all times.
- Develop a range of possible action for dealing with anti-social behaviour, including legal action where no other solution can be found.
- Promote mediation as a means of resolving neighbour problems.
- Encourage residents to resolve their disputes by mutual agreement.
- Ensure that the management of estates takes an area based approach, using staff that can identify local problems and build up relationships with residents.

- Through effective design, management and maintenance of our properties reduce the risk of such behaviour occurring.
- Encourage effective community involvement in the management of our neighbourhoods to reduce the potential for neighbour disputes and anti-social behaviour.
- Respond promptly, sympathetically and decisively to any complaints made relating to the anti-social behaviour of Association residents, their household and any visitors to their home.
- Properly record all complaints made and respond as consistently as possible.
- Make it easy for residents to report ASB/neighbour disputes through our Self Service App and Web Portal
- Only pursue court action for eviction as a last resort and where all other appropriate methods have failed (where behaviour is categorised as serious and/or persistent).
- Ensure that other relevant agencies such as Community Safety Glasgow, Police, Social Work, and Environmental Health play a full role in resolving behaviour or taking action, particularly where it is more appropriate for them to do so.
- Support tenants who require assistance in seeking assistance from external agencies

## 6. GOOD NEIGHBOUR RESPONSIBILITIES

- 6.1 All tenants of the Association will sign a tenancy agreement (a Scottish Secure Tenancy Agreement). This important document will be the basis for the relationship between Thenue Housing, as the landlord, and individual tenants. It defines the Tenant's responsibilities in relation to their behaviour during the period of the tenancy. It is in effect each tenant's signed commitment to be a good neighbour. The tenancy agreement and the Housing (Scotland) Act 2001 contain information outlining how action may be taken for breach of contract.
- 6.2 **Section 3 of the Agreement – "Respect For Others"** contains the relevant clauses which define the behaviour expected of all tenants. Section 6.3 of the Tenancy Agreement confirms the legal process by which the Association will seek to end a tenancy through court proceedings.
- 6.3 Thenue will take steps to make existing and prospective tenants fully aware of their responsibilities and of the action that will be taken against them if they (or anyone else they are responsible for) behave in an anti-social manner.

## 7. ANTI-SOCIAL BEHAVIOUR STRATEGY – REDUCING CONFLICT BETWEEN NEIGHBOURS

- 7.1 Thenue believes that the prevention of anti-social behaviour is of vital importance in the building and maintaining of stable and peaceful communities. We will therefore ensure that the opportunities for neighbourhood disputes are minimised wherever possible by having a clear strategy to achieve this.
- 7.2 Methods to Reduce Conflict

### Information to Residents

Thenue will provide clear information to residents on how to deal with neighbour disputes and guidance on what activities are considered to be neighbour nuisance,

anti-social behaviour and/or harassment (through our web site and leaflets). This includes:

- excessive noise
- verbal abuse
- harassment
- uncontrolled dogs
- vandalism
- graffiti
- prostitution
- disturbing neighbours
- frequent, late parties
- unreasonable and unsubstantiated complaints against a neighbour
- dumping rubbish
- not keeping to agreed close cleaning rotas
- intimidation
- domestic violence
- uncontrolled children
- criminal activity affecting the property
- work incompatible with a residential area
- drug dealing from the property
- drug and alcohol misuse resulting in anti-social behaviour

#### **Design Issues: New Build and Improvement**

Thenue will

- a) minimise the potential for neighbour disputes and anti-social behaviour arising from poor design in new build and rehabilitation contracts.
- b) and, in all such work, ensure the maximum opportunity for tenant involvement in the design process.

#### **Allocation Issues**

Thenue recognises the part played by insensitive or inappropriate allocations of housing in potentially contributing to neighbour disputes. We may also not consider applicants for housing (by suspending them from our housing list) where there is clear evidence of anti-social behaviour by them (see Section 20 of our Allocation Policy)

## **8. CATEGORISING NEIGHBOUR NUISANCE AND ANTI-SOCIAL BEHAVIOUR COMPLAINTS**

- 8.1 To assist staff, residents and others we will use categories of complaints to determine how we will respond to complaints of anti-social behaviour and neighbour disputes.

### **8.2 Complaints Categories**

When complaints are received, staff will categorise accordingly. It is useful to categorise complaints to encourage consistency of approach and to clarify to all concerned the likely response of the Association. It should be recognised, however, that not all cases will be easily categorized and also that a neighbour dispute may begin at Category C level and subsequently move to Category B or A.

The Scottish Housing Regulator expects landlords to set locally agreed targets for resolving anti-social behaviour complaints. **Resolved means:**

- where the landlord has taken appropriate measures, as set out in its ASB policies and procedures, to address the cause of the anti-social behaviour complaint; or
- where the landlord does not have the authority or powers to resolve it has provided a full explanation of the landlords position.

Thenue will use the following categories and target timescales to set out for staff and tenants how we view and resolve complaints (according to the above definitions):

**Category (A) (resolved within 1 day )**

Complaints of a very serious anti-social nature e.g. violence, unprovoked attack and physical assault, drug dealing, and category two behaviour which is not only persistent, but has not changed despite repeated warnings from the Association or Police. Threats to, or attacks on, Thenue staff connected with their duties.

**Category (B) (resolved within 2 weeks)**

Complaints which indicate serious anti-social behaviour e.g. excessive and persistent noise, frequent disturbances, vandalism to Associations property, misuse of drugs/threatening behaviour, harassment, verbal abuse.

**Category (C) (resolved within 4 weeks)**

Complaints where neighbours clearly breach the tenancy conditions but are of a relatively minor nature eg stair cleaning, rubbish dumping, pet fouling, occasional noise nuisance.

The Association have consulted with relevant residents groups who have agreed to the above target resolution times.

## 9. RESPONSES TO NEIGHBOUR NUISANCE AND ANTI-SOCIAL BEHAVIOUR

### 9.1 General Good Practice in Recording and Acting on Complaints

Thenue will:

- respond appropriately to all complaints concerning anti-social behaviour - in line with agreed locally agreed standards, target and good practice.
- ensure that early action is taken in response to a complaint.
- Always offer a home visit to the complainant
- ensure that, wherever possible, staff deal face to face with residents in the first instance.
- listen sympathetically to all residents and will not pre-judge or make assumptions.
- advise residents of the actions they can take in response to anti-social behaviour.
- record all complaints and action taken in a clear and consistent manner.
- investigate and evaluate cases to assess the most appropriate action required
- support the victims of anti-social behaviour, particularly where they are at risk of reprisals and are required to give evidence in a court against their neighbour (staff should give regular updates on progress, advice on potential future action and implications for complainants).
- complete a risk assessment matrix for victims of ASB behaviour to assess their vulnerability.
- agree with a complainant how often/when we will keep them informed of progress with their complaint.
- set out clearly what we can and cannot do at the outset in response to a complaint.
- Aim to agree relevant actions to be taken with the complainant - what would be a satisfactory outcome for them?
- Inform the resident when we intend to close a case, outlining action we have taken and seeking their agreement that the case can now be closed.
- Complete a customer satisfaction survey on closing any case.

**Recording Complaints**

Complainants do not have to put any complaints in writing but may be asked to record incidents in 'diary sheets'. Complainants will be advised that their complaint has been recorded and they should also be notified of any action, if any, that has been taken in response.

The Association will make every attempt to act on each complaint made, however, the Association may not take any or further action where the complaint is anonymous and/or there is no corroboration from a reliable or impartial source.

Tenants who repeatedly complain about neighbours without any corroboration of anti-social behaviour from an independent third party and are unwilling to consider Mediation Services to resolve the dispute, may be given a warning by the Area Services Manager that such conduct could constitute harassment of a neighbour and be in breach of section 3.1 of their tenancy agreement.

Complaints received by Thenue will be recorded in accordance with our anti-social behaviour procedures.

**Action to Resolve Complaints**

Thenue will provide staff with sufficient guidance and training to attempt to resolve neighbour disputes or anti-social behaviour through a variety of methods.

Our response may include one or more of the following:

- Referral to Community Safety Services (CSG)
- Home visits
- Correspondence with residents involved.
- Office Interviews
- Recharging tenants for work which they have failed to do or to cover the cost of repairs for damage caused by them.
- Mediation services
- Making Use of the Provisions contained in the Dog Fouling (Scotland) Act 2003
- Environmental Protection Services in the enforcement of local bye-laws
- Referral to the Police where activity is of a criminal nature
- Record incidents via the Third Party Hate Crime reporting mechanisms
- Requests to the Police for both informal and formal (Disclosures) information in relation to specific incidents where they have been involved
- Act of pro-active Disclosures received from the Police
- Requests to both mobile and static CCTV operators to monitor anti-social activity or to obtain images relating to particular incidents
- Consider an Urgent Priority move for a tenant who has been the victim of serious anti-social behaviour or harassment
- Withdrawal of allocation rights
- (Close) meetings with residents to resolve neighbour disputes
- Use of Interdicts or Specific Implement
- Relevant and appropriate warnings on all household members involved in anti-social behaviour
- Acceptable Behaviour Contracts
- Unacceptable Behaviour Notices
- Take Court action for the compulsory transfer a tenant who is guilty of anti-social behaviour
- Application for an Anti-Social Behaviour Order (ASBO) (a civil order to protect the public).



- Conversion of a Scottish Secure Tenancy to a Short Scottish Secure Tenancy for a tenant who has been served with an ASBO
- Issue of a Notice Of Proceedings for Recovery of Possession as a warning against continued breach of tenancy
- Repossession of Tenancy Proceedings at the Sheriff Court
- Work with Community Safety Glasgow, the Police and others using other appropriate enforcement powers.

### 9.2 **Informally Resolving Neighbour Disputes**

We recognise that in some cases neighbour disputes may be better resolved by amicable agreement between residents.

Thenue will:

- a) Issue advice leaflet to complainants and encourage tenants to resolve their own disputes wherever possible
- b) Encourage tenants to resolve their own disputes by speaking to their neighbours at the start of a relatively minor problem.
- c) Record all such problems in case they develop further.
- d) Always be prepared to get involved where the resident does not wish to take action him or herself.

### 9.3 **Involving Other Agencies**

We recognise that the Association may require other agencies to assist with resolving neighbour disputes. This may include arranging support for a tenant unable to cope with sustaining a tenancy or asking for assistance with investigating and resolving breaches of conditions of tenancy or anti-social behaviour.

We will liaise with the following agencies in particular in respect of the above:

- Police
- Community Safety Glasgow (referrals for Mediation services)
- Social Work Services

In exceptional cases the use of CSG or Private Investigators (or Professional Witnesses) and/or surveillance equipment may be used where all other attempts to obtain independent corroboration of complaints or anti-social activity has failed or intimidation of witnesses or complainants prevents action being pursued. Using an agency other than CSG must be authorised by the Head of Housing.

### 9.4 **Mediation**

Community or Neighbour Mediation is defined as an approach where the emphasis is on identifying “disputants” own voluntary solutions to the causes of conflict, rather than attempting to enforce external solutions. It can be on an individual or group basis. It is generally most effective with lower-level disputes (see category Two or Three).

Thenue view mediation as an extremely positive way to resolve disputes between neighbours. We will refer cases to CSG Mediation team as appropriate. We are aware that mediation is only possible where both parties are committed to using mediation as a route to resolving the dispute between them.

## 9.5 Legal Action

Where all attempts to resolve an anti-social behaviour problem have failed and the behaviour is having an intolerable affect on other residents or the community, Thenue may take legal action against a tenant who is in breach of their tenancy agreement and may ultimately evict or compulsorily transfer the anti-social tenant

Thenue will:

- Only seek a decree for eviction when all other solutions have been pursued or considered as inappropriate.
- Ensure all intended court actions are approved by the Head of Housing
- Ensure that complainants are fully advised that we can only present evidence to the court on reasons why eviction should be considered and that the court process can be a lengthy one.
- During legal action, continue effective monitoring of a case.
- Ensure that tenants are given the opportunity to discuss their situation with a senior member of staff before a case calls in court. Other agencies will be invited to such a meeting if appropriate or at the request of the tenant.
- Refer all cases to the Association's Executive Team for approval to remove a tenant from their home where a decree for eviction has been granted by the court.
- Inform the Council's Social Work Department of the impending eviction action (when a request for a court hearing is made), after a decree is granted and prior to removing a tenant.

## 9.6 Responding to Racial and Sectarian Harassment and Drug Dealing

### Racial, Sectarian & Other Harassment

Racial, Sectarian or any other kind of harassment will be considered a breach of an individual's tenancy agreement (leading to eviction or compulsory transfer in extreme cases) and as possible grounds for the transfer of the victim. In particular,

Thenue recognise that in some cases victims/witnesses of Hate Crime do not feel comfortable reporting the matter directly to the Police and may be more comfortable reporting it to someone they are familiar with.

To ensure all victims/witnesses are able to report Hate Crimes, Thenue work in partnership with Police Scotland and are an official 3rd Party Reporting Centre.

Various Thenue Housing Association Staff have been trained to assist a victim or witness in submitting a report to the police and can make such a report on the victim/witnesses behalf.

Thenue will:

- a) Make clear to all prospective and existing tenants that racial and sectarian harassment will be viewed as a serious breach of their tenancy agreement.
- b) Encourage residents to report all cases of harassment
- c) Take action against tenants who are found to be harassing other tenants - including court action for repossession in serious cases where other options have failed.
- d) Treat all cases of racial and sectarian harassment seriously.

- e) Act promptly to remove racist or sectarian graffiti.
- f) Accept harassment as a priority for rehousing.
- g) Report all incidents of Hate Crime incidents, in conjunction with relevant agencies such as CSG.

### **Alcohol, Drug and Substance Use**

Thenue will adopt policies and procedures to protect the rights of tenants to live peacefully in their houses whilst avoiding unfair discrimination against those with addiction issues:

Thenue will:

- a) Work in partnership with other agencies to put in place an action plan to tackle ASB from drug dealing and drug misuse in one of our communities.
- b) Work with specialist organisations to secure the appropriate support for tenants with a problem of alcohol, drug or substance misuse.
- c) Ensure that all staff are aware of the full range of specialist agencies and support services available to drug and alcohol misusers and their families.
- d) Whilst not viewing drug, alcohol or substance use in itself as constituting anti-social behaviour Thenue will take action, including eviction, against tenants whose misuse causes a nuisance/disturbance or danger to others, such as:
  - Leaving used needles in shared/public areas
  - Violent, abusive, criminal or any other form of anti-social behaviour resulting from drug and alcohol misuse
  - Drug dealing from within or in the vicinity of an Association property.
- e) Report cases of known drug dealing to the police.

### **9.7 Neighbour Disputes Involving Owner Occupiers, Sub Lets and Sharing Owners**

Thenue manage mixed tenure estates of Thenue tenants, owner occupiers and their sub lets and sharing owners.

Where we receive a complaint from a tenant or resident about a sharing owner or owner occupier or their sub let we will investigate the matter using the principles set out in this policy. We will examine any obligations which an owner has in a Title Deed, Feu Disposition, or Occupancy Agreement (in the case of sharing owners) or local authority regulations and consider whether any behaviour or activity is contrary to their obligations.

The legal action we take however, will be limited to the options which are relevant to owners or sharing owners such as:

- An application for an Anti-Social Behaviour Order
- Issue an ABC or UBN
- Interdict
- Action for Specific Implement
- Notification to a Lender of a breach of legal obligations.
- Referral to CSG Private Landlord Registration Team for appropriate action where properties are being sublet
- Seek closure orders

In addition to the commitments from Thenue as noted above, we will also advise residents where appropriate of:

- the legal options open to them as individuals to pursue.

- CSG services for residents who are experiencing ASB (including Landlord Registration Scheme, Noise Nuisance Team).

Complaints from an owner occupier or their sublet or a sharing owner (or any other member of the community) about a tenant will be dealt with in the same way as if the complainant was another tenant.

## 10. SERVICE STANDARDS AND PERFORMANCE MONITORING

### 10.1 Service Standards

Thenue sets standards to achieve continuous improvement, in conjunction with service users. In addition to the commitments made in this policy the following service standards will apply to our approach to dealing specifically with neighbour complaints and anti-social behaviour:

When you make a complaint about anti-social behaviour

We will:

- not ask for complaints to be made in writing before investigating.
- help you to complete our neighbour complaints form.
- visit you (or contact you by phone) within 1 working day if an incident is very serious or serious (Category A and B cases) such as drug dealing from the property or excessive persistent noise disturbance.
- visit you (or contact you by phone) you within 5 working days (Category C cases) such as stair cleaning complaints.
- make regular contact with you during ongoing complaints.
- make clear to all tenants that any form of harassment of a neighbour will be viewed as a serious breach of the Tenancy Agreement.
- Visit you or contact you by your preferred method for all incidents of anti-social behaviour as per our locally agreed targets
- aim to resolve your complaint within 1 working day if it is a very serious complaint (Category A ) such as harassment, violence, threats of violence or a hate crime
- aim to resolve your complaint within 2 weeks if it is a serious complaint (Category B) such as allegations of petty criminal activity, excessive persistent noise.
- aim to resolve your complaint within 4 weeks if it is a minor complaint (Category C) such as stair cleaning.
- agree with you how often/when we will keep you informed of progress of your complaint
- set out clearly what we can and cannot do at the outset in response to a complaint
- Inform you when we intend to close a case, outlining action we have taken and seeking your agreement, where possible, that the case can now be closed.
- Complete a customer satisfaction survey on closing any case.

### 10.2 Monitoring Performance and Reviewing Complaints

It is necessary to collect and analyse good quality information about complaints received in order to review whether practice is achieving the desired outcomes.

Thenue will review on a quarterly basis all complaints received. The CHS Quarterly

Performance Report will list the total number of complaints according to the categories described in this policy, with further analysis on response, type of complaint, location etc.

This report will also monitor our performance against the Scottish Social Housing Charter Indicator 19: Percentage of anti-social behaviour cases reported in the last year which were resolved within locally agreed targets.

## **11. SERVICE COMPLAINTS**

Any tenant whether the victim or perpetrator of anti-social behaviour who is unhappy about the manner or procedure followed in dealing with a complaint can register a complaint according to the Complaints Handling Policy.

## **12. CONFIDENTIALITY**

12.1 Every effort will be made by staff to protect the confidentiality of complaints made, and avoid the risk of subsequent Association action exacerbating a situation.

12.2 We will encourage all tenants to report in confidence cases of anti-social behaviour to Association staff, and, where necessary, to CSG, the police, the social work department or environmental health.

## **13. CONSULTATION**

Area Associations, Registered Tenant Organisations and other residents groups will be consulted on the policy and any subsequent review.

## **14. RESPONSIBILITY**

15.1 Thenue will ensure staff are well trained and have sound knowledge of current legislation and good practice in relation to good neighbour management. Furthermore we will provide more general training for staff as required on issues such as dealing with aggressive behaviour.

15.2 The Area Services & Repairs Manager will be responsible for ensuring this policy is implemented and for monitoring performance.

15.3 The Head of Housing is responsible for reviewing this policy.

15.4 The Head of Housing must also approve any Thenue court action in respect of anti-social behaviour prior to instructing our Solicitors.

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