



Cassiltoun

Housing Association

NEIGHBOUR RELATIONS POLICY

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1. INTRODUCTION

1.1 Cassiltoun Housing Association Limited (hereinafter referred to as CHA) is committed to ensuring that its tenants can enjoy quiet and peaceful occupation of their homes without being abused, harassed or subjected to noise, nuisance or anti-social behaviour caused by those around them.

1.2 We believe that these objectives are mutually interdependent and are in line with The Housing Charter which states at Point 6;

“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..”***

1.3 CHA recognises that it has responsibilities for the welfare of its tenants and for protecting tenants’ rights. CHA expects tenants to respect the rights of their neighbours to live without nuisance, annoyance, or harassment. The CHA Tenancy Agreement makes this clear and CHA will take appropriate remedial action where tenants do not adhere to the conditions of the Tenancy Agreement regarding respect for others. Similarly CHA expects owner-occupiers to be good neighbours and will take appropriate action where this is not the case.

1.4 CHA, will investigate complaints of anti-social behaviour thoroughly and will identify and implement the most appropriate measures to resolve the complaints.

1.5 Our aim in the first instance is to try to resolve disputes wherever possible and to help tenants resolve any differences they have. However, where a tenant, member of their household or visitor is responsible for persistent or serious nuisance or anti-social behaviour, CHA will take robust early action under its Tenancy Agreement, or other legal remedies available. Such actions may include the use of Anti-Social Behaviour Orders (in conjunction with the Police and the Council), and conversion of Scottish Secure Tenancies to Short Scottish Secure Tenancies, with the provision of appropriate support.

1.6 Ultimately this could result in the eviction of a tenant for perpetrating, permitting or condoning anti-social behaviour. At every stage our aim will be to stop the offending behaviour by the best means at our disposal, and to support victims of anti-social behaviour.

1.7 CHA will only consider complaints of anti-social behaviour that are raised within six months of when the anti-social behaviour occurred. Complaints of anti-social behaviour received out with this timescale will not be considered unless there are extenuating circumstances.

- 1.8 Where the complainant is not the tenant but a member of the tenant's household then a signed mandate must be received from the tenant in order that the complaint can be investigated.

2. KEY MESSAGE

- 2.1 CHA will not tolerate any level or any form of anti-social behaviour affecting its tenants. Where necessary CHA will use the most robust measures available to it to stop anti-social behaviour.
- 2.2 To achieve this end CHA will work positively in partnership with Strathclyde Police.

3. DEFINITIONS OF ANTI-SOCIAL/BEHAVIOUR & HARASSMENT ETC

- 3.1 The CHA Tenancy Agreement states 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. Conduct includes speech. A course of conduct must involve conduct on at least two occasions".
- 3.2 For purposes of this policy racial harassment is regarded as very serious anti-social behaviour as are assaults on employees and Management Committee Members of CHA.
- 3.3 The following behaviour is excluded from this policy:
- Lifestyle clashes caused by behaviour that is eccentric or merely different, but which does not unreasonably interfere with other people's rights or impinge upon their homes
 - One-to-one disputes between neighbours of whatever tenure that do not fall within the definitions at 3.1 or 3.2.

4 KEY ELEMENTS OF THE POLICY

- 4.1 The key elements of the Neighbour Relations Policy are:
- CHA is committed to using the best housing management policies and procedures to prevent nuisance and anti-social behaviour occurring.
 - Where this fails CHA will take swift action to try to resolve the problem, involving a structured approach and the use of incremental sanctions culminating ultimately in Court action.

- Where serious problems occur (especially of a criminal nature) CHA will engage Strathclyde Police in working towards a solution.
- Where problems persist (and there is no clear criminal justice solution), CHA 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 ASBOs and/or eviction.
- At every stage CHA will work with the Police and any other relevant agencies to:
 - resolve problems of anti-social behaviour
 - identify and commission support for people who need it
 - support the victims of anti-social behaviour and keep them informed of progress and development

5 POLICE INVOLVEMENT: A TRUE PARTNERSHIP APPROACH

- 5.1 This policy seeks authority to negotiate with Strathclyde Police an innovative strategy for joint working to tackle the recognised concerns of the future CHA tenants regarding the persistence of anti-social behaviour.
- 5.2 Recognition is given to the fact that much of the behaviour causing concern is criminal behaviour and should be addressed in the first instance by Police action and the criminal justice system (with support and evidence from CHA where appropriate).
- 5.3 It is also recognised, however, that there may be other legal mechanisms (e.g. civil actions such as ASBOs) that can be used by both CHA and the Police and these may afford a more effective response in some instances (e.g. where evidence for a criminal conviction is difficult to obtain). In such instances we must work with the Police to agree the course of action and jointly pursue such civil actions where these are most appropriate.
- 5.4 To further such an innovative strategy we need to develop a true partnership between the CHA tenants, Strathclyde Police, and the Council (who are responsible for ASBOs).

6. AIMS AND OBJECTIVES OF THE POLICY

- 6.1 The following aims and objectives are set in the context of CHA's overarching policy in relation to neighbour nuisance and anti-social behaviour.
- 6.2 Specific aims and objectives are to:

- Adopt a zero tolerance approach to anti-social behaviour affecting CHA tenants.
- Recognise that neighbour nuisance and anti-social behaviour is a multi-tenure issue and to ensure that appropriate mechanisms are in place to deal with the complex legal and practical issues associated with this.
- Pursue early intervention and the use of all available approaches to conflict resolutions, to prevent escalation and ultimately to stop the anti-social behaviour.
- Protect individuals' and households' entitlement to quietly enjoy their home.
- Adopt a zero tolerance approach to violence against women or minority groups.
- Promote and adopt a partnership approach (especially in close liaison with Strathclyde Police).
- Provide a high quality, accountable and transparent service to meet the needs of all tenants and wider community interests.
- Ensure effective management responses are initiated.

7. FOUR PARTS OF THE STRATEGY

7.1 The four parts of the strategy are:

- Prevention
- Intervention
- Supporting Victims
- Enforcement

Prevention:

7.2 The main thrust of this policy is to stress the significance of Intervention, Supporting Victims and Enforcement. However, in tandem with the CHA's Estate Management Policy preventative action is introduced through pro-active and responsive positive measures to reduce the likelihood of anti-social behaviour and nuisance and prevent the escalation of disputes. Sensitive lettings policies are aimed at creating balanced and responsive communities that will help to create a culture of non-tolerance of anti-social behaviour.

7.2.1 The policy should reflect the particular characteristics of the local housing stock and respond to local demand trends. Local housing

management procedures and practice should encourage good neighbourly relations.

This will be achieved by:

- Ensuring every CHA tenant understands their obligations to be a good neighbour at the point of sign-up. This message will be reinforced in the Tenants Handbook.
- Housing Officers having a pivotal role in this process, by encouraging good behaviour and working to stop anti-social behaviour where it occurs. Their role is also crucial to ensure that incidents are properly recorded so that evidence is preserved for any court action ultimately taken.
- The use of early intervention and mediation to resolve disputes before they escalate.
- The use of the Short SST agreement as a device with probationary controls to offer tenants with a prior history of anti-social behaviour 'a second chance' with support built-in and leading to a SST agreement.

7.2.2 The behaviour standards expected from tenants and their visitors should be publicised. This will be achieved/assisted by:

- Ensuring that at Tenancy sign up the importance of good neighbour relations is stressed.
- Making adequate provision within the Tenants Handbook for the issue to be highlighted.
- Ensuring that regular newsletters provide prominent coverage of both positive neighbour relations stories and illustrate the consequences of anti-social behaviour.

7.3 Intervention

- When complaints of anti-social behaviour come in, it is important that appropriate action is taken swiftly to resolve the problem where possible and avoid escalation. The key elements of intervention will be:
- Respond within agreed timescales (see Section 9) to complaints in accordance with set procedures.
- Undertake thorough investigations and ensure accurate record keeping as detailed within a checklist for potential court action.

- Respond positively to cases where complaints are the result of unidentified support needs or inadequate support provision. In such cases support must be provided if it will stop the anti-social behaviour.
- Promote effective liaison and joint working arrangements with other agencies, both statutory and voluntary, such as other Housing Associations, the Police, the Health Board, relevant Council Departments such as Social Work and Environmental Services, the Procurator Fiscal's office and the Scottish Children's Reporter's Administration. (The MARIM groups have a particular focus on race and housing including the tracking of allegations of anti-social behaviour perceived to be racially motivated. The Police, housing providers and Social Work Services are key parties within these groups).
- Work closely with the Police to implement joint initiatives to address persistent problems and offenders in accordance with specific protocols, always being clear that criminal activity is primarily Police responsibility.
- Use Mediation to enable conflict to be resolved peaceably by those involved in it.
- Ensure staff are trained, equipped and supported to deal with the range of problems and issues that emerge.

7.4 Supporting Victims

CHA recognises that taking action to deal with those responsible for anti-social behaviour must be complemented by awareness of the needs of the victims of such behaviour. An essential element of this policy will therefore be:

- Protect and support victims of neighbour nuisance and antisocial behaviour. Involve Victim Support counselling and Police support and where necessary offer Management Transfers to address the most acute cases to be protected.
- Keep victims and their families or representatives fully informed of progress with actions taken and expected outcomes. Ensure that the Police maintain an appropriate profile or take action in support of the victim.
- Even where actions are delayed (for example due to court procedures) ensure that victims are kept informed of the reasons for this.

7.5 Enforcement:

Where early intervention has failed to stop the anti-social behaviour or if the initial complaint is of a very serious nature, CHA staff will take enforcement action as follows:

- Agree with Strathclyde Police the most appropriate sanction (criminal or civil action) available.
- Liaise with other agencies as appropriate to ensure that other remedies, such as increased support, have been exhausted.
- Serve the correct Notice of Proceedings on the tenant (and qualifying occupiers) and maintain accurate records including demonstration of all reasonable attempts and efforts to notify qualifying occupiers. (For the avoidance of doubt, Notices of Proceedings will be served on tenants even where the proposed action is to be an application for an ASBO. The serving of such a Notice will be a precautionary measure and does not commit CHA to any particular Court action).
- If the tenant is the tenant of a Short Scottish Secure Tenancy, serve the correct Notice of Proceedings and Notice to Quit terminating the tenancy on the spot.
- Compile and order all of the evidence in anticipation of court action.
- Apply to the court for an interdict where the problem involves damage to property or threats to staff.
- Apply to the Council for an ASBO to be sought from the court (this sanction will also be available where owners are causing problems).
- Where ASBO is granted against a tenant, issue the correct notice to convert the SST to SSST.
- Report breach of an ASBO to the Police and monitor the outcome of Police action.
- Ultimately, seek decree from the court to evict the offending tenant.
- At every stage ensure appropriate support is provided for victims and witnesses and keep them informed of progress.

8 ROLES AND RESPONSIBILITIES IN TERMS OF DELIVERY OF POLICY AIMS AND OBJECTIVES

- 8.1 Aims and objectives will be achieved by adopting an effective approach supported by comprehensive procedures, multi-agency protocols and statements of best practice.
- 8.2 CHA Staff will be responsible for the day-to-day dealing with neighbour relations and anti-social behaviour. They will give advice and take action where necessary within the timescales laid down in the procedures (See Section 9).

Legal Action

- 8.3 Responsibility for the decision to initiate legal action in an anti-social case will be a matter for the Head of Operations of CHA. The Head of Operations should then be instructed to refer the matter to CHA lawyers and present the evidence to them for initiating Court action.
- 8.4 The Operations Team will carry out such subsequent investigation, update witness statements, and provide such support as is required by the CHA Legal Team to prosecute the case in Court effectively.

Specialist Services

- 8.5 Dealing with anti-social behaviour will on occasion require the use of specialist services to either pursue or help resolve individual cases. The Operations Team will either:
- Provide such services/skills in house, or
 - Serve as a resource centre for accessing such skills and services externally.

9 DEFINITIONS AND RESPONSE STANDARDS

- 9.1 The following definitions and response standards are regarded as crucial in ensuring that anti-social cases are properly assessed and speedily acted upon:

Category A:

Very Serious Complaints: Complaints which concern allegations of drug dealing, criminal behaviour involving violence or housebreaking, assault, violence, criminal threats, serious harassment and racial harassment, and serious damage to property, including fire raising.

Response: one working day.
Resolution: 3 months

Category B:

Serious Complaints: Complaints which concern allegations of aggressive/abusive behaviour, frequent disturbances, vandalism, drug/solvent/alcohol abuse, verbal/written harassment, and frequent and persistent noise pollution.

Response: within three working days of initial complaint.
Resolution: 1 month

Category C:

Neighbour Nuisance Complaints: Complaints which concern allegations that involve simple breaches of tenancy conditions.

Response: within ten working days of initial complaint.
Resolution: 10 working days

- 9.2 **In responding to an incident staff should inform the complainant of the assessed seriousness of the complaint and this should be recorded in the relevant file**

10 PETS

- 10.1 Tenants must take all reasonable steps to prevent pets from causing a nuisance, annoyance, or presenting a danger to neighbours. This includes fouling, noise, or smell from pets. In such cases permission to have such pet(s) may be withdrawn and action may be taken against the tenancy.

11 PERFORMANCE MONITORING AND POLICY REVIEW

- 11.1 In order to track and test the effectiveness of this policy, arrangements will be made to:
- Establish targets for performance monitoring and report the results.
 - Monitor and review the effect of policy and procedure on a regular basis.

This policy will be reviewed within a three year cycle or as new legislation is enacted this policy will be reviewed to take account of any new measures for tackling anti-social behaviour that become available.

12 LINKS TO OTHER POLICIES

12.1 This Policy works in conjunction and has links with the following policies;

- Allocations
- Customer Care
- Complaints
- Equal Opportunities
- Tenant Participation