

# **KINGDOM HOUSING ASSOCIATION LIMITED**

## **NEIGHBOUR DISPUTES & ANTI-SOCIAL BEHAVIOUR POLICY**

This Policy is drawn up with reference to legislation and guidance from regulatory bodies as detailed in the Data Control Sheet at the end of this Policy

### **1. Statement of Intent**

- 1.1 The purpose of this policy is to outline Kingdom's aims, objectives and principles with regard to the prevention of neighbour disputes and anti-social behaviour.
- 1.2 The Policy also sets out how we will deal with neighbour disputes and anti-social behaviour when they arise within our developments.

### **2. General Principles**

- 2.1 Kingdom recognises that dealing with anti-social behaviour has been, and continues to be, a core Housing Management activity particularly when dealing with neighbour disputes. The level and nature of anti-social behaviour covers a wide spectrum and therefore requires an equally wide spectrum of techniques to tackle it. This policy has been created to clearly set out how we will respond to this challenge.
- 2.2 Anti-social behaviour is difficult to define. It can involve incidents from minor nuisance, noise and neighbour disputes through to serious violence, crime and intimidation. Behaviour which may be upsetting and cause offence to one individual may not be a problem to someone else.

#### **2.2.1 Legal Definitions of Antisocial Behaviour**

The law says that someone is behaving in an anti-social manner if they:

- Act in a way that causes or is likely to cause alarm or distress to anyone;  
or
- Behave in a way that causes or is likely to cause alarm and distress to at least one person not of the same household as them.

In this definition 'conduct' would include speech, and a course of conduct must involve conduct on at least two occasions.

Examples would be:

- Noisy Neighbours,
- Graffiti,
- Drinking or drug use which leads to people being rowdy and causing trouble,
- Large groups hanging about in the street (if they are causing, or likely to cause alarm and distress),
- Litter problems,
- Racist Behaviour.

Neither our definition of anti-social behaviour nor our examples can cover all the possible ways in which people can upset and distress others by their behaviour. They are merely meant to be a reasonable starting point from which we can explore our role and that of other agencies in tackling this problem.

### 2.2.2 What is not Anti-Social Behaviour?

As well as looking at what most people would agree is anti-social behaviour it is helpful to look at issues which do not constitute anti-social behaviour. Some problems simply result from differences in the way that people lead their lives and are not anti-social

Examples are:

- A Neighbour using a washing machine early in the evening,
- The sound of a neighbour moving around their house in the flat above,
- Children playing.

2.3 In adopting this policy, Kingdom aims to ensure that no one receives less favourable treatment on the grounds of gender, sexual orientation, marital status, age, race, colour, nationality, ethnicity or ethnic origin, religion, disability or any other conditions or requirements which cannot be shown to be justified.

## 3. Aims & Objectives

3.1 The aim of this policy is to assist us in creating and maintaining conditions under which every resident can enjoy their home and surroundings in peace without undue disturbance from others.

3.2 It is our policy, where possible, to prevent, anti-social behaviour and neighbour problems arising and to respond to any incidents of anti-social behaviour both quickly and effectively.

3.3 We will endeavour to prevent anti-social behaviour and neighbour problems through the following methods:

- Providing advice and information on anti-social behaviour and neighbour problems at allocation. New tenants will be made aware of this policy and their responsibilities with regard to anti-social behaviour. We will also provide them with a guidance leaflet at this point and thereafter when any of our customers report anti-social behaviour,
- Providing information on anti-social behaviour and neighbour disputes in our Tenants Handbook,
- Providing information and guidance in our tenancy agreement on the definition of anti-social behaviour and neighbour problems,
- Working in conjunction and partnership with other agencies to adopt preventative and responsive measures to tackle anti-social behaviour.

3.4 We will always try to achieve an amicable solution to incidents of anti-social behaviour but, where this is not possible, we will be prepared to use legal tools such as Interdicts, Anti-Social Behaviour Orders [ASBOs] and Repossession Orders [eviction] in order to challenge offending behaviour.

#### **4. Procedures**

4.1 We have developed clear procedures on how we will respond to reports of anti-social behaviour and neighbour disputes, as well as the methods we will use to investigate them and the appropriate action to be taken on any outcomes.

4.2 While it will not be possible or appropriate for us to become involved in every situation, we will nevertheless encourage residents to resolve situations with one another, give advice on potential resolution or refer to an appropriate agency for assistance.

4.3 Where incidents of anti-social behaviour are caused by individuals who are not residents of the Association we will consider the use of ASBOs or any other legal measures available if this is appropriate.

4.4 We will enter into and develop working relationships and protocols with other agencies such as the Police, Community Mediation, Local Authority Investigation Teams, Community Safety Partnerships and Environmental Health services in areas where we have housing stock in order that they can assist us in combating anti-social behaviour and resolving neighbour disputes.

4.5 While this policy provides guidance to staff and tenants alike, it should be recognised that our response to each situation will depend on both the circumstances and the considered judgement of the staff involved. Each instance of anti-social behaviour is different and because of this the Associations response to each case must be appropriate to the circumstances of that case.

#### **5. Categorisation of Neighbour Disputes/Anti-Social Behaviour**

5.1 We have divided neighbour disputes/anti-social behaviour into four broad groups which determine the way we will deal with them. We have done this to indicate to our customers what we can and cannot deal with. We have also chosen the categories set out below to demonstrate the level and type of resources which go into dealing with different types of dispute. This helps us to monitor our performance and to demonstrate to our Committee of Management the way in which we are deploying resources in different types of disputes and anti-social behaviour. We collect information in our Estate Management package in further sub-categories so that we can monitor other aspects of performance and record the incidence of different types of anti-social behaviour in and around our developments.

5.2 Regardless of the ultimate categorisation of disputes, all reports will be subject to an initial investigation to determine how they should be dealt with and this will define the group they are placed in. The nature of neighbour disputes and anti-social behaviour means that they may move between groups if factors in the dispute change.

## **Category A Disputes**

- 5.3 Some disputes are clear breaches of tenancy and are generally within the sole remit of the landlord to investigate and address. This type of dispute tends to be best kept “in house” but can be demanding in terms of our own staffing resources

The attached list of category A disputes is not exhaustive, but is designed to illustrate the types of dispute which fall into this category:

- poorly kept gardens,
- repairing motor vehicles,
- running a business from the property which is causing nuisance,
- nuisance caused by pets such as dog fouling,
- noise disputes.

We will generally deal with these complaints ourselves as long as they can be corroborated.

## **Category B Disputes**

- 5.4 Breaches of tenancy are not always clear cut especially if there is a lack of witnesses or corroboration. Sometimes behaviour can be criminal or such that it affects others in the community and necessitates the involvement of other agencies such as police, social work and the anti-social behaviour teams with whom we are in partnership. This means some involvement of Kingdom staff and resources is necessary however in these cases we are working in partnership with others and their resources are brought to investigate and resolve the dispute/anti-social behaviour.

- 5.5 Category B disputes include issues such as:

- drug dealing and anti-social behaviour arising from substance misuse,
- threats of violence or assault,
- youth disorder,
- harassment,
- serious noise nuisance,
- anti-social behaviour of a criminal nature.

- 5.6 Kingdom will report back to the complainant where possible in these cases but we may not have a lead role in the resolution of the problem.

## **Category C Disputes**

- 5.7 In some instances agencies exist which specialise in addressing specific types of dispute and anti-social behaviour. Many disputes, especially those involving low level but intractable disputes involving families and children and clashes of lifestyle/personality, can be resolved by community mediation. In these instances there will be an early referral to specialist agencies. In some cases, where an individual needs support or tenure is an issue, another agency may also take on the dispute.

## **Category D Disputes**

5.8 As we stated earlier in this document our definition and examples of anti-social behaviour did not set out to cover all aspects of what is a significant problem in society. Kingdom cannot tackle this problem alone. We believe we will perform better in the areas where we can make a difference either acting alone or in partnership if we are clear about our limitations and the limitations of others and deploy our resources accordingly. In some instances Kingdom cannot take neighbour disputes forward and there is not always a remit for other agencies to become involved either. We have set out examples of these types of disputes below:

- Where there is a clash of personalities and lifestyles and the parties will not participate in community mediation, or it is not appropriate.
- Where no clear anti-social behaviour or breach of tenancy exists.
- Where there are no witnesses, evidence or corroboration of anti-social behaviour.
- Anonymous complaints.

5.9 Ultimately we may not be able to help those involved any further in this final category.

5.10 Kingdom will provide appropriate training for staff dealing with anti-social behaviour and neighbour disputes in order to develop the necessary skills and professionalism to tackle this type of work and familiarise them with the process involved.

## **6. Responding to a Complaint**

6.1 As outlined above our response to complaints will depend on the group that the complaint falls within after the initial investigation and hence the degree to which the staff and Kingdom require to become involved.

6.2 Clearly there are no rigid parameters that can be applied to every individual case but we have set the following targets:

- We aim to acknowledge any complaint in writing within 2 days of receiving it.
- A member of our Housing Management team will telephone the person who has complained within 10 days of the complaint being made and carry out an initial telephone interview.
- There will generally be a follow-up letter within 14 days of the telephone interview to advise what action [if any] we intend taking e.g. advice, referral to other agency, site visit, interview at [home/office] etc.
- Where we are involved in a protracted case we will update the complainant once a month by telephone or in writing.

6.3 Where legal measures are required to deal with anti-social behaviour and neighbour disputes these will be approved by the appropriate Area Manager.

6.4 Whatever further action is taken, the course of action will be confirmed in writing to the person complaining as well as to the person on whom the action is being taken.

6.5 If an ASBO is granted against any member of a household we will seek to convert the tenancy to a Short Scottish Secure Tenancy (under S35 of the Housing (Scotland) Act 2001).

6.6 Where a Decree to Evict is granted under a Repossession Action it will always be our intention to enforce it.

## **7. The Misuse of Drugs and Illegal Substances**

7.1 Kingdom recognises that there are many complex issues in society around the misuse of drugs and other illegal substances.

7.2 Drug misuse does not always lead to anti-social behaviour and nuisance and, where residents who have a drug problem are working with and being supported by appropriate agencies, we will do all we can to support them.

7.3 However where any resident is convicted of dealing in drugs or is causing a nuisance to their neighbours as a result of their dealing or misuse of drugs we will use all the legal remedies available to us to bring an end to the nuisance.

7.4 Ultimately this may result in legal proceedings to end the tenancies of those convicted of drug dealing or of causing neighbour nuisance/antisocial behaviour as a result of their misuse of drugs

## **8. The Role of the Housing Services Department**

8.1 The recording of neighbour disputes and anti-social behaviour is the responsibility of the Customer Service Team and the subsequent investigation is the responsibility of appropriate Housing Officers and Housing Assistants.

8.2 Any senior member of the Customer Service Team will be prepared to provide interpretation and advice on this policy. If a formal appointment is requested prior notice will be required to meet with a senior member of Housing Management staff.

8.3 The Customer Service Team and Housing Management will develop working procedures to accompany this policy.

## **9. Monitoring and Review**

9.1 All complaints will be recorded on our Estate Management database when reported. Regular reports will be submitted to senior staff as part of our performance reporting.

9.2 All subsequent reports on ongoing cases will be entered on our Estates Management Package and monitored on a weekly basis by the appropriate Housing Officer who will decide when each case is concluded.

## **10. Appeals Procedure**

10.1 Residents who are unhappy with the way their complaint has been dealt with should contact the Housing Manager who will make investigations and respond in writing within 10 calendar days.

## **11. Copies of this Policy**

- 11.1 Copies of this policy are available at any of our offices on request and can be downloaded from our website at [www.kingdomhousing.org.uk](http://www.kingdomhousing.org.uk).
- 11.2 In addition we have arrangements in place to have this policy translated into other languages if required.
- 11.3 The policy can also be made available in audio format or in Braille if requested.

## **12. Policy Review**

- 12.1 This policy will be reviewed on a 5 yearly basis from the date of implementation which will be the date the policy is approved by the Committee of Management, or earlier if deemed appropriate.

**KINGDOM HOUSING ASSOCIATION LIMITED**

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Policy drawn up with reference to the following statutory framework:

The Housing (Scotland) Act 2001

The Data Protection Act 1998

The Criminal Justice (Scotland) Act 2003

The Crime and Disorder Act (Scotland) 1998.

Reference made to the following sources and other guidance:

SFHA Raising Standards in Housing – Section 16 Anti social Behaviour and Harassment

Housing Management Standards of the Chartered Institute of Housing

Communities Scotland self assessment inspection criteria

Performance standards for social landlords AS1.9 Anti social behaviour

Prepared by Alex McLaren

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Summary sent out with Policy & Performance Digest to all residents in December 2007

Policy Audited by Kingdom's Solicitors in August 2007

Sub Committee Review of Policy on 4<sup>th</sup> March 2008

Presented for approval to Committee of Management on 17<sup>th</sup> March 2008

Policy Approved Yes

Next review Date – no later than March 2013