KINGDOM HOUSING GROUP

NEIGHBOUR DISPUTES & ANTI-SOCIAL BEHAVIOUR POLICY

1. Introduction

1.1 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.

1.2 The purpose of this policy is to outline our aims, objectives and principles with regard to the prevention of neighbour disputes and anti-social behaviour.

1.3 The policy also sets out how we will deal with neighbour disputes and anti-social behaviour when they arise within our developments. Complaints about our service will be dealt with through our Complaints Handling procedure.

1.4 We are committed to the principles of good corporate governance and sustainability and will endeavour to develop fair and consistent policies, procedures and practices.

1.5 In line with our commitment to equality and diversity this policy can be made available in a variety of formats including large print, translated into another language or other media. We will make any reasonable adjustments to assist you if you have a disability.

2. General Principles

2.1 We are committed to the principle that everyone has the right to peaceful enjoyment of their home and that no-one has the right to ruin that enjoyment for others. We recognise 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 requires a wide spectrum of techniques to tackle it. This policy has been created to set out how we will respond to this challenge.

2.2 Anti-social behaviour is difficult to define. It means different things to different people. It can involve incidents ranging 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 Anti-Social Behaviour

The law defines anti-social behaviour as:

“A person engages in anti-social behaviour if they act in a manner that causes or is likely to cause alarm and distress to at least one person who is not of the same household. (Course of conduct must involve conduct on at least two occasions.)”
Examples of anti-social behaviour 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 define 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, this policy seeks to define 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, we will comply with discrimination legislation and ensure all individuals are treated equally where they have a ‘protected characteristic’. We will be mindful of disability discrimination legislation and human rights legislation when investigating reports of anti-social behaviour and any actions we take will be proportionate and take into consideration the circumstances of all the parties involved.

2.4 This policy does not apply to sharing owners. A sharing owner is not contractually bound by the same terms and conditions as a tenant under a tenancy agreement or an occupancy agreement. As a result we have very limited powers to deal with a sharing owner who is behaving in an anti-social way and, in such instances, complaints will be referred to the local authority anti-social behaviour team.

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.

3.3.1 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.

3.3.2 We will also provide them with a guidance leaflet when they report anti-social behaviour.

3.3.3 We will require that all new tenants, prior to the commencement of their tenancy, sign a Good Neighbour Contract (Appendix 1) which will detail the standard of conduct we expect of our tenants. In the event a prospective tenant refuses to sign this agreement, the offer of a tenancy may be withdrawn.

3.3.4 Providing information on anti-social behaviour and neighbour disputes in our appropriate publications.

3.3.5 Providing information and guidance in our tenancy agreements on the definition of anti-social behaviour and neighbour problems.

3.3.6 Working in conjunction and partnership with other agencies to adopt preventative and responsive measures to tackle anti-social behaviour.

3.3.7 Through the design of our developments and the houses within them we will aim to adopt features and innovations which help prevent crime and disorder and where possible adopt standards which prevent noise nuisance and clashes of lifestyle.

3.3.8 We will use lettings plans where appropriate either to address existing problems or prevent new ones from occurring. Lettings plans will be used to avoid concentrations of particular household groups, clashes of lifestyle which may lead to neighbour disputes and anti-social behaviour and to avoid high child densities where housing is not family friendly. (This is covered in our Allocations Policy).

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 It will not be possible or appropriate for us to become involved in every situation. We will encourage residents to resolve situations with each other, 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 Kingdom residents, 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, our response to each case must be appropriate to the circumstances of that case. Customers using this policy must also have realistic expectations of what we, as well as other agencies, can do to address anti-social behaviour. Anti-social behaviour can be extremely complex and cross a number of areas of responsibility and jurisdiction which means multi-agency working will be necessary. It is often the case that we will not be able to resolve anti-social behaviour either quickly or on our own because most forms of action require co-operation between agencies and from the complainant and or perpetrator to make them work.

5. Categorisation of Neighbour Disputes/Anti-Social Behaviour

5.1 When we receive a neighbour dispute or anti-social behaviour complaint it will be recorded on our database and we will use those categories set out in Complaint Type to clarify the nature of the complaint. After we have investigated the complaint we will determine the Dispute Category and Agency Involvement. This helps us demonstrate to our Committee of Management, Board of Directors and customers the different types of disputes and anti-social behaviour we are dealing with. It also lets us monitor performance and resources. Performance targets for neighbour disputes and anti-social behaviour disputes are different to the performance targets associated with complaints handled through our Complaints Handling Procedure.

5.2 Complaint Type

We have identified a number of complaint types and these are listed below:

- assault
- harassment – age related
- harassment – disability related
- harassment – gender related
- harassment – gender reassignment related
- harassment – marriage or civil partnership related
- harassment – pregnancy or maternity related
- harassment – race related
- harassment – religious or belief related
- harassment – sexually related
- harassment - multiple
- gardens
- abusive behaviour
- bins
- vandalism
- boundary dispute
- children
5.3 **Dispute Category**

We have identified 4 dispute categories and an explanation of each type is detailed below:

5.3.1 **Category A: Incidents of Extreme Behaviour**

Complaints that we would consider to be of a very serious nature include:

- physical violence
- criminal activity or conviction occurring in the vicinity of or relating to the property
- all types of harassment
- escalation or increase in frequency of disturbances of excessive noise

5.3.2 **Category B: Incidents of serious Anti-Social Behaviour**

Complaints that we would consider to be of a very serious nature include:

- persistent excessive noise
- frequent disturbances
- threats of violence
- vandalism

5.3.3 **Category C: Incidents which breach a tenancy condition but are of a less serious nature than those in category A or B**

Complaints that we would consider as part of this category include:

- occasional noise
- uncontrolled pets
- dumping rubbish

5.3.4 **Category D: No breach of tenancy condition evidenced following investigation**

This category will include complaints such as:

- clash of personality or lifestyle
- un-corroborated incidents
- anonymous complaints
5.4 **Agency Involvement**

As stated earlier in the policy, we will work with other agencies to resolve neighbour disputes and detailed below are the agency involvement categories that we will use when recording neighbour disputes.

5.4.1 **Kingdom (complaints that are investigated and resolved in house)**

5.4.2 **Kingdom and 3rd party (complaints where there is an active involvement of a 3rd party i.e. Police/Social Work. Where the involvement of the 3rd party is restricted to the provision of information only the complaint will be classified as being investigated and resolved in house)**

5.4.3 **Mediation (after investigation there is no obvious breach of a tenancy condition and parties agree to take part in Mediation)**

5.5 We will investigate category D complaints as far as possible. However we may not be able to resolve them. Where relevant we will encourage both parties to engage with the Community Mediation service.

5.6 The nature of neighbour disputes and anti-social behaviour means that they may move between categories if factors in the dispute change, or the dispute escalates. We will determine the Dispute Category and Agency Involvement of each dispute once we have finalised our investigations.

5.7 We 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 There are no rigid parameters that can be applied to every individual case but we have set the following targets for dealing with neighbour disputes and anti-social behaviour complaints:

6.1.1 We aim to acknowledge any complaint in writing within 2 working days of receiving it.

6.1.2 A member of our Housing Management team will telephone the person who has complained within 10 working days of the complaint being made and carry out an initial telephone interview.

6.1.3 We aim to resolve complaints in no more than 20 working days. We will take the appropriate measures to address the cause of the anti-social behaviour; however there may be occasions where we do not have the authority or powers to resolve the complaint.

6.1.4 We will consider a neighbour complaint closed when we provide an explanation of our position and what action we have taken to resolve the complaint.

6.1.5 In the few cases that go to Court, it is normal practice for the identities and evidence of all parties to be revealed at the stage that the action is defended and a Proof is fixed for the evidence to be heard.
6.2 Where legal measures are required to deal with anti-social behaviour and neighbour disputes these will be approved by the appropriate Area Manager in consultation with the Housing Manager.

6.3 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.

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

6.5 Where the property is let as a Short Assured Tenancy we would seek to bring the tenancy to an end either by mutual agreement or repossession.

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 We recognise 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 provide a proportionate level of assistance.

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/anti-social behaviour as a result of their misuse of drugs

8. The Role of Different Teams within 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.

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

9. Reporting and Monitoring

9.1 Regular reports will be submitted to Kingdom Housing’s Committee of Management and Kingdom Initiatives Board of Directors as part of our performance reporting.
9.2 The Scottish Social Housing Charter sets the standards and outcomes that all social landlords should aim to achieve when performing their housing activities. Charter indicator 6 is the indicator that is particularly relevant to anti-social behaviour. It states that “Social landlords, working in partnerships with other agencies, help to ensure that tenants and other customers live in well maintained neighbourhoods where they feel safe. This policy sets out the range of actions we will take to ensure we meet this outcome.

These include:

- taking action to enforce tenancy conditions o estate management and neighbour disputes
- the role we play in working with other agencies to tackle anti-social behaviour
- arranging or providing tenancy support if this is required.

9.3 The Scottish Housing Regulator (SHR) assesses and reports on how social landlords are performing their housing services; Registered Social Landlords’ (RSLs’) financial well-being; and RSLs’ standards of governance. The SHR will intervene to secure improvements where necessary. The SHR was established under the Housing (Scotland) Act 2010 with one statutory objective: “to safeguard and promote the interests of current and future tenants of social landlords, people who are or may become homeless and people who use housing services provided by registered social landlords and local authorities”.

9.4 The Scottish Housing Regulator requires to be notified of any significant or exceptional issue, event or change within our organisation (a notifiable event) and how we intend to deal with it. The events relevant to this policy would come under the Regulator’s heading of Performance and Service Delivery issues or Financial and Funding issues. The Scottish Housing Regulator’s Guidance, Notifiable Events 2012, gives examples of notifiable events.

A link to the Scottish Housing Regulator’s Guidance is below:

http://www.scottishhousingregulator.gov.uk/publications/notifiable-events

10. Complaints

10.1 Customers who are unhappy with the way their neighbour complaint has been dealt with will be encouraged to use our “Complaints, Comments and Compensation procedure in order to have their concerns investigated.

11. Customer Feedback

11.1 Customers will be asked to give feedback on our Neighbour Dispute process once their complaint has been fully investigated.

11.2 Customer Responses will be used to monitor our Neighbour Dispute process and procedure.
11.3 A copy of the Evaluation of our Neighbour Complaints Process form is attached at Appendix 2 of this policy.

12. **Monitoring and Review**

12.1 This policy will be reviewed 5 years from the date of implementation or latest review, which will be the date the policy is approved by the Committee of Management, or earlier if deemed appropriate. In the event that this policy is not reviewed within the above timescale, the latest approved policy will continue to apply.
This GOOD NEIGHBOUR CONTRACT is between

Kingdom Initiatives Limited  
Saltire Centre  
Pentland Court  
GLENROTHES  
KY6 2DA

And

<table>
<thead>
<tr>
<th>Tenant</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Joint Tenant</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

Existing tenants of Kingdom Housing Association Limited and Kingdom Initiatives expect their new neighbours to observe the terms of this Good Neighbour Contract as well as the relevant clauses of their Scottish Secure Tenancy/Short Scottish Secure Tenancy/Short Assured Tenancy Agreement.

I/We agree that I/we

1. will look after the property at the above address including any common areas stairways etc.

2. will not leave rubbish in common stairways, passages or any common areas

3. will keep noise in my home at an acceptable level at all times and use any equipment capable of producing sound responsibly

4. will try to avoid causing nuisance to neighbours by not making excessive noise when closing doors, especially those leading to communal areas

5. will not leave personal household items such as bicycles, pushchairs, furniture, etc in the common stair, landings or external communal areas
6. will not allow my/our pets or those of visitors to foul common areas within the development.

7. will be responsible for the behaviour of my/our children and the children of my/our visitors.

8. will respect my/our neighbours at all times.

Signed: __________________________________________  ______________
Tenant                                      Date

Signed: __________________________________________  ______________
Joint Tenant                                 Date

Signed: __________________________________________  ______________
On behalf of Landlord                       Date
# HOUSING MANAGEMENT SERVICES – EVALUATION OF OUR NEIGHBOUR COMPLAINT PROCESS

<table>
<thead>
<tr>
<th>Name</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td></td>
</tr>
<tr>
<td>Complaint Ref No.</td>
<td></td>
</tr>
<tr>
<td>Telephone</td>
<td></td>
</tr>
<tr>
<td>Email</td>
<td></td>
</tr>
</tbody>
</table>

1. Overall how well do you feel the Officer listened to you and understood your complaint? *Please tick*

<table>
<thead>
<tr>
<th>Very Satisfied</th>
<th>Fairly Satisfied</th>
<th>Neither Satisfied nor Dissatisfied</th>
<th>Fairly Dissatisfied</th>
<th>Very Dissatisfied</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Questions 1** - If you said that you were fairly dissatisfied or very dissatisfied please tell us why you felt this way:


2. How satisfied were you with the advice and explanation given by the officer on how we dealt with your complaint? *Please tick*

<table>
<thead>
<tr>
<th>Very Satisfied</th>
<th>Fairly Satisfied</th>
<th>Neither Satisfied nor Dissatisfied</th>
<th>Fairly Dissatisfied</th>
<th>Very Dissatisfied</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Question 2** - If you said that you were fairly dissatisfied or very dissatisfied please tell us why you felt this way:


3. What would be your preferred method for us contact you to discuss any future neighbour complaint? Please tick

<table>
<thead>
<tr>
<th></th>
<th>Visit</th>
<th>E mail</th>
<th>Telephone</th>
<th>Other</th>
</tr>
</thead>
</table>

4. Are there any changes you could suggest that we could make to our neighbour complaint process?

5. Please use this space for any additional comments you wish to make.
Policy drawn up with reference to the following statutory framework:

The Housing (Scotland) Act 1988

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

Prepared by Alison Paterson and Stephen Cairns

Current Policy Dated March 2013

Draft 1 presented to Senior Management Team: March 2014

Draft 2 presented to Senior Management Team: June 2014

Policy Audited by Kingdom’s solicitors: September 2012

Sub Committee Review of Policy: 8 April 2014 and 17 June 2014

Presented for approval to Committee of Management: 18 August 2014

Policy Approved: Yes/No

Approved by Kingdom Initiatives Limited Directors: 30 September 2014

Next review Date: by August 2019