



ANTI-SOCIAL BEHAVIOUR POLICY

POLICY IMPLEMENTATION CHECKLIST	
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ANTI-SOCIAL BEHAVIOUR POLICY

1.0 INTRODUCTION

The purpose of the Policy is to set out a framework within which incidents of anti-social behaviour will be dealt with by the Co-operative staff. The Policy will take account of current legislative provisions for dealing with anti-social behaviour (ASB) and neighbour nuisance.

We are committed to ensuring that our homes and communities are pleasant and secure places to live. We recognise the rights of our tenants and their neighbours to peaceful enjoyment of their homes. We expect our tenants to respect the values and lifestyles of others within the community and to act reasonably and with consideration for others.

This policy seeks to comply with good practice guidelines. It also reflects the Co-operative's commitment to Outcome 6 of the Scottish Social Housing Charter which states that "Social landlords, working in partnership with other agencies, help to ensure as far as reasonably possible that tenants and customers live in well-maintained neighbourhoods where they feel safe."

We will ensure that staff, committee members and tenants are consulted on this policy document and that staff are provided with appropriate training.

2.0 POLICY AIMS & OBJECTIVES

The Co-operative will make every effort to ensure that its tenants comply with their tenancy conditions and can enjoy living in their homes and communities free from the effects of anti-social behaviour.

We will use all powers available to deal effectively with incidents of anti-social behaviour caused by or affecting its tenants. Where appropriate we will work closely and co-operate with other agencies whose functions and remits extend to dealing with aspects of anti-social behaviour.

We recognise the harmful effect that anti-social behaviour can have upon tenants and residents' lives and will act consistently, effectively and proportionately to address causes of anti-social behaviour within its neighbourhoods, while supporting victims and witnesses.

This covers a range of actions that social landlords can take on their own and in partnership with others. It covers action to enforce tenancy conditions on estate management and neighbour nuisance, to resolve neighbour disputes, and to arrange or provide tenancy support where this is needed. It also covers the role of landlords in working with others to tackle anti-social behaviour.

To achieve this, we will:

- Take effective action to assist those who are affected or who are victims of anti-social behaviour.
- Minimise the impact of anti-social behaviour through support for victims and witnesses, and by involving and empowering affected communities.
- Support victims and witnesses of anti-social behaviour and in appropriate circumstances extend support to perpetrators to positively influence behaviour and sustain tenancies.
- Promote responsible behaviour through education, support, supervision, and restorative justice.
- Provide tenants with the necessary support or help them obtain the necessary support and assistance they require to establish and maintain their tenancies.
- Work preventatively to reduce anti-social behaviour at the beginning of tenancies through the promotion of the Tenancy Agreement and new tenants visits and in appropriate circumstances the provision of Short Scottish Secure Tenancies.
- Help prevent anti-social behaviour through education, community initiatives, and prevention measures.
- Investigate all reported incidents of anti-social behaviour in accordance within locally agreed target timescales, taking effective and proportionate action, including legal remedies, where alternative interventions have proven unsuccessful.
- Practice early intervention to prevent situations escalating and where appropriate, the use of alternative approaches to conflict resolution, such as mediation and referrals for support.
- Maintain accurate records relating to anti-social behaviour and monitor case progress and outcomes, and regularly review our anti-social processes, learning from our experiences and customer feedback.
- Provide tenants with clear information about what we can do in response to a complaint or dispute and also to make information available regarding the assistance that can be provided by our partners such as the Council, Police Scotland and other agencies and support organisations.
- Recognise the importance of effective communication and keep complainants informed of progress and actions arising throughout the duration of their complaint.
- Work in partnership with all relevant agencies, including Police Scotland and the Council to identify sources of anti-social behaviour and strategically target resources to reduce their impact upon individuals and neighbourhoods.
- Develop information sharing and joint working protocols between other agencies concerned with the management of anti-social behaviour, including Police Scotland, Scottish Fire and Rescue and the Council.

3.0 LEGAL REQUIREMENTS, REGULATORY FRAMEWORK & GOOD PRACTICE GUIDANCE

The Anti-Social Behaviour Policy meets with legislative and good practice requirements including but not limited to:

- The Scottish Secure Tenancy (SST)
- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2014
- Crime and Disorder Act 1998
- Anti-Social Behaviour etc (Scotland) Act 2004
- Equality Act 2010
- Human Rights Act 1998
- Data Protection Act 2018
- Dangerous Dogs Acts 1989 and 1991
- Environmental Protection Act 1990

The Scottish Social Housing Charter

Neighbourhood and Community

Estate Management, anti-social behaviour, neighbour nuisance and tenancy disputes

Outcome 6 of the Charter states:-

“Social landlords, working in partnership with other agencies, help to ensure as far as reasonably possible that:

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

This outcome covers a range of actions that social landlords can take on their own and in partnership with others. It covers actions to enforce tenancy conditions on estate management and neighbour nuisance, to resolve neighbour disputes, and to arrange or provide tenancy support where it is needed. It also covers the role of landlords in working with others to tackle anti-social behaviour.

4.0 DEFINITION OF ANTI-SOCIAL BEHAVIOUR

Anti-social behaviour can manifest itself in many ways, often depending on local circumstances, and can range from a minor irritation to serious criminal activity. In practice, anti-social behaviour covers a wide range of actions and behaviour including, but not limited to, the following:

- Harassment and intimidating behaviour
- Racism
- Sectarianism
- Behaviour that creates alarm, distress or fear
- Noisy neighbours

- Drunken and abusive behaviour
- Vandalism, graffiti and other deliberate damage to property
- Use or sale of drugs or other substances.
- Violence or threat of violence
- Failing to control pets

Relatively minor breaches of the Co-operative's Tenancy Agreement, such as failure to maintain garden and common areas, dispose of rubbish/recycling goods satisfactorily, will not normally be classed as anti-social behaviour but will be dealt with under the Co-operative's estate management procedures.

The Anti-social Behaviour (Scotland) Act 2004 defines anti-social behaviour in the following terms:

A person engages in anti-social behaviour if they:

- *act in a manner that causes or is likely to cause alarm or distress" or*
- *Pursues a course of "conduct" that causes or is likely to cause alarm or distress, to at least one person who is not of the same household ("conduct" includes speech and must involve conduct on at least two occasions").*

The general range and scope of anti-social behaviour can range from relatively minor disputes involving noise and lifestyle clashes to serious and extreme cases including drug dealing, serious harassment, racial abuse and violence.

The Co-operative will endeavour to adopt a pragmatic approach reflecting the nature and seriousness of the conduct involved.

5.0 HOW WE DEAL WITH ANTI-SOCIAL BEHAVIOUR

The Co-operative will make every effort to ensure that its tenants comply with their tenancy agreement and can enjoy living in their homes and communities free from the effects of anti-social behaviour.

The following framework of aims and principles will guide the Co-operative's response to complaints of anti-social behaviour.

Reporting Process

All reports of anti-social behaviour will be taken seriously and individuals will be provided with the opportunity to discuss their concerns with staff.

It is not necessary for initial complaints to be made in writing, however we will provide forms to complainants to assist in this and to ensure that records of complaints are accurate. Verbal reports of complaints which are received and recorded by staff may need to be signed by the person making the complaint (the complainant).

We will often require evidence in order to take the appropriate action against someone who is behaving anti-socially. Complainants may be required to complete diary sheets to record what has been witnessed. In serious cases complainants may be required to give evidence at Court.

We acknowledge that anonymous complaints are sometimes an indication of fear or reprisal or intimidation. The Co-operative will follow these complaints up where the matter is serious and there is independent evidence e.g. obvious vandalism, graffiti to a property etc.

Responding to Complaints

The Co-operative will respond promptly to complaints of anti-social behaviour as we recognise that a speedy response can often result in issues being resolved before they escalate into more serious incidents.

In dealing with reports of anti-social behaviour staff will log all reports or complaints and provide an acknowledgement within 24 hours of receipt.

We will carry out investigations in accordance with the timescales listed below, which may include escalating a case if it becomes more serious.

We recognise that anti-social behaviour can range from very minor to very severe. The categorisation is based on the seriousness of the complaint and will determine the processes and timescales which will be followed in responding to the complaint.

Categorisation of Disputes and Response Times

Category A – Very Serious (Investigation commenced within 1 working day)

This will relate to cases where there is a real threat of violence or an attempt on the life of the complainant. This category includes complaints concerning drug dealing; criminal behaviour involving threats of violence towards any member of the public, including members of staff or contractors, house breaking assault, criminal threats, serious harassment, racial harassment and serious damage to property including fire raising.

Police Scotland involvement is essential, and the Co-operative will only become actively involved with the support of the Police and the relevant evidence from them. If proven, will result in eviction proceedings being commenced however the timescales for this will be pending the outcome of court.

Target for completion of investigation and determine a course of action is 5 working days.

Category B – Serious (Investigation commenced within 5 working days)

This will relate to cases where there are frequent or persistent incidents or the incidents are serious and caused alarm or distress but are not life threatening. This category includes complaints which concern allegations of aggressive or abusive behaviour, frequent disturbances, vandalism, drug/solvent/alcohol abuse, verbal and/or written harassment and frequent and persistent noise.

Target for completion of investigation and determination on course of action is within 10 working days.

Category C - Minor
(Investigation commences within 10 working days)

This relates to cases where there are occasional incidents that are breaches of tenancy which are likely to cause a nuisance rather than alarm or distress. This category includes nuisance complaints which are unlikely to result in eviction proceedings unless they develop into Category B complaints. Some examples include untidy gardens; children/youth or pet nuisance; noise disturbance; inconsiderate parking/abandonment of vehicles; lifestyle clashes.

We will endeavour to resolve a minor issue to prevent it escalating into a more serious nature.

Targets for completion of investigation and determination on course of action is within 20 working days.

Fairness and Impartiality

A consistent approach will be adopted to complaints which respect the rights of both the complainant and the alleged perpetrators.

Where the Co-operative is satisfied that one of its tenants is involved in anti-social behaviour then it will be proactive in trying to resolve the problem being caused.

Support for Victims

Support, including regular feedback/updates on action taken or progress of cases, will be provided to the victims of anti-social behaviour. This feedback may include advice on the limitation of the Co-operative's powers to deal with specific incidents or circumstance and on the most appropriate alternative agency to be contacted or involved.

Remedies

Except in cases of serious criminal activity or persistent serious anti-social behaviour the Co-operative will attempt to achieve a resolution without recourse to legal action.

This will be done with reference to the terms of the Tenancy Agreement and by working with appropriate voluntary and statutory agencies such as Community Police, Anti-Social Response Team, Mediation Services, Social Work Services, and Environmental Services etc. Measures such as verbal warnings, written warnings, Acceptable Behaviour Contracts, Parental Control Contracts and Good Neighbour Agreements will be used where appropriate.

Where preventative or management approaches fail to resolve cases then more formal action will be considered. The legal remedies which the Co-operative might pursue include but are

not limited to the following:

- Notice of Proceedings
- Anti-social Behaviour Orders
- Conversion to Short Scottish Secure Tenancy
- Expedited possession proceedings following conviction of a serious offence
- Eviction

Housing services staff will ensure that any individual(s) who they come in to contact with whilst investigating an anti-social behaviour complaint that is in need of support, will be offered assistance and a referral should be made to the appropriate agency that may be able to address their support need. Support needs could range from drug/alcohol related problems, welfare services, money advice, parenting skills or mental health issues.

Verbal and Written Warnings

The Co-operative can issue both verbal and written warnings to perpetrators advising them that if further incidents occur, then legal action may commence. All verbal warnings will be followed up in writing by the Co-operative.

Policy Statement on Drug Misuse

The Co-operative recognises that the misuse of drugs can have a serious effect on those who misuse them, their families and their communities. Involvement with drugs can often have a direct link to anti-social behaviour, particularly where the supply or sale of drugs is taking place.

While each case will be considered on its merits, the Co-operative will normally seek eviction in cases where its tenants or members of their families have been convicted of the sale or supply of drugs to others in their communities.

Convictions for the possession of drugs for personal use will not normally result in the Co-operative seeking eviction unless there are other aspects of anti-social behaviour involved, such as nuisance to neighbours, damage to property, etc.

Incidents Involving persons who are not tenants of the Co-operative

In cases where tenants of the Co-operative are suffering anti-social behaviour from persons who are not themselves tenants of the Co-operative or members of their families, the Co-operative will work with other relevant agencies to attempt to secure a resolution of the problems.

Support and advice will be provided to the Co-operative's tenants throughout the process. If it is possible for the Co-operative to take direct action against the perpetrators (who are not the Co-operative's tenants) e.g. where by vandalism occurs then it will do so.

6.0 WHAT TENANTS CAN DO TO HELP TACKLE ANTI-SOCIAL BEHAVIOUR

The Co-operative cannot tackle anti-social behaviour alone. There are a number of things that we will expect our tenants to do to help us.

These are:

- Being aware of the mixed society we live in and show tolerance to other people who may have a different background or lifestyle, be of a different race, ethnicity, disability, sexual orientation, gender, age, cultural or religious belief.
- Realising that your enjoyment of life at home should not cause a neighbour any distress.
- Speaking to neighbours when a problem arises-using a friendly approach. Discussing the problem may resolve it much quicker and with less ill feeling than involving the Co-operative.
- Read and understand the terms of your Tenancy Agreement and ensure that all behaviour complies with this.
- Make children and visitors aware of the need for good, neighbourly behaviour.
- Reporting incidents to us and other relevant agencies such as the Police Scotland or the Council's Anti-Social Response Team.
- Keep us informed of details of ongoing problems.
- Assist us with keeping records of nuisance and anti-social behaviour.
- Do not make malicious or vexatious complaints which are complaints without basis.
- Understand that we will use a range of measures to try and tackle ASB and resolve problems depending on the severity of the case. Legal Action is not appropriate in all cases and if we do decide to take such action it will be a last resort.
- Understand the limitations we have as a Landlord when trying to deal with cases of anti-social behaviour.
- Co-operate with the Co-operative to try and resolve anti-social behaviour, including attempting mediation.

7.0 DOMESTIC ABUSE

The Housing (Scotland) Act 2025 and related Domestic Abuse (Protection) (Scotland) Act 2021 provisions (fully implemented in 2026) enhance protections for victims in social housing by allowing landlords to end an abuser's tenancy and transfer it to the victim.

Where domestic abuse occurs within our tenancies, we will work within the legislative framework to ensure victims receive appropriate support. We will signpost to support, those subjected to domestic abuse who wish to remain in their own home. Where appropriate, legislative powers and legal remedies will be used to protect the rights of those subjected to domestic abuse. This could include legal remedies that exclude the offending partner from a tenancy.

8.0 LINKS WITH OTHER SERVICES & AGENCIES

Liaison with other agencies is a key mechanism to the effective management of anti-social behaviour.

The legislative framework means that many other agencies have a role to play in dealing with anti-social behaviour. This includes agencies such as Police Scotland, Social Work Services, Environmental Health Services, Schools/Education Departments and Anti-Social Response Team etc.

The Co-operative will take a multi-agency approach and work with perpetrators to improve their behaviour. We will work closely with local authorities, relevant partners and agencies to seek effective responses to prevent and reduce anti-social behaviour.

The specific statutory duty placed on Police and local authorities to prepare anti-social behaviour strategies for their areas is acknowledged by the Co-operative, who will co-operate in the preparation and implementation of these. In implementing such strategies the Co-operative will work with other agencies, including other local landlords, in appropriate community-wide initiatives aimed at achieving a consistent approach to tackling anti-social behaviour.

The Co-operative may pay for external agencies such as mediation services, professional witness service, etc. where it is considered that the involvement of such agencies would assist in resolving, or provide information which might assist in resolving, cases of anti-social behaviour.

9.0 PREVENTION

The Co-operative's approach to the prevention and management of anti-social behaviour is integrated within our management of allocations and estate management. We seek to minimise the potential effects of anti-social behaviour through sensitive allocations and in accordance with their particular housing needs.

The Tenancy Agreement outlines tenant's responsibilities with regards to respect for others and these Tenancy Conditions will be enforced.

Housing staff will explain in detail what the responsibilities of the tenant, their household members and visitors are.

This Anti-Social Behaviour Policy and guide will be publicised to existing tenants through information leaflets, tenants' handbooks, newsletters etc. All new tenants will be made aware of their responsibilities when they sign their tenancy agreement. By doing so we will seek to ensure that all our tenants are aware of our views on anti-social behaviour and the standards of conduct expected of our tenants. This will be discussed at sign up stage along with the Good Neighbour Agreement and is reiterated during the settling in visit, which is carried out within 6 weeks of the new tenant moving in.

Prompt action is taken by the Co-operative's staff when there is a failure to meet tenancy conditions.

If a tenant has caused anti-social behaviour, all requests to transfer to another property maybe refused until a clear period of 6 months has passed without any further ASB being caused. Please refer to the Co-operative's Allocations Policy for more information.

10.0 MALICIOUS OR VEXATIOUS COMPLAINTS

The making of malicious or vexatious complaints can be a form of harassment or anti-social behaviour whereby an innocent resident is subject to unfounded, exaggerated or dishonest complaints by someone seeking to cause a detriment to that innocent resident.

A vexatious complaint is a complaint without any merit which has been made solely to harass or intimidate another resident or a member of staff.

A malicious complaint is a complaint that is false and the intention is to cause harm or damage to another resident or a member of staff.

Whilst Co-operative staff will respond to complaints made in line with the policy, part of their investigation may have to include the possibility that the complainant may have certain motives for making the complaint.

Staff will need to be aware of such possibilities when investigating complaints and if it becomes clear that the complainant is malicious or vexatious then the appropriate action will be taken against the perpetrator as would be for any other form of harassment or anti-social behaviour.

11.0 CONFIDENTIALITY

The confidentiality of all parties involved in cases of anti-social behaviour will be respected. It is recognised, however, that parties involved in cases can often be identified from the nature of the complaints made.

In addition, complainants may only be willing to provide information on the understanding that what they say is treated as confidential. However, those who complain should realise that there may be circumstances when it is necessary for the Co-operative to pass on information to others, such as Police Scotland or Social Work Services.

Where it is necessary to involve others in this way the Co-operative will make it clear to the third party that the complaint was made confidentially and seek reassurance that the third party will honour the Co-operative's commitment to confidentiality.

In responding to reports of anti-social behaviour the Co-operative's staff may be required to approach other tenants or residents to seek confirmation or corroboration of events.

Confidentiality of all parties involved in cases of anti-social behaviour will be respected, except where an offence is disclosed. The exception to this will be where a person (including children)

is considered to be at risk, or if there is a risk of serious harm to anyone involved in the situation, or when required to so by law or by an order of court.

In cases of persistent or widespread anti-social behaviour the support of community groups and/or Registered Tenant Organisations (RTO's) may be sought to assist in addressing problems and to support initiatives being pursued by the Co-operative.

12.0 INVESTIGATIONS

We will, through our investigations, aim to establish the identity of the perpetrator of the complaint based on our evidence and the balance of probability, which is the test for civil action cases. The Co-operative is committed to a conciliatory and non-judgmental response to complaints.

The housing staff will seek to identify and interview all interested parties. Wherever possible, the Co-operative will arrange a meeting between the complainant and the alleged perpetrator. The Co-operative will seek to establish an action plan between the parties for the resolution of their differences and will maintain regular contact with them to monitor progress.

Where the differences between the parties appear to stem from differences in life-style and no resolve can be reached after exercising all possible remedies, the Co-operative may as a last resort seek to find alternative accommodation for one or both of the parties.

13.0 RESPONSIBILITY

Housing staff have responsibility for anti-social behaviour within their areas, as with Tenancy Management. Any support, advice and referrals for legal action must be sought from the Housing Manager.

The Housing Manager is responsible for ensuring: -

- monitoring the performance of all staff
- assisting the staff to deal with serious or persistent breaches of tenancy and anti-social behaviour
- monitoring the operation of the policy and reporting to the Committee
- assist the Housing Officers when necessary to liaise with other service providers, including the local authority, to maximise their service.

14.0 COMMITTEE MEMBERS & ANTI-SOCIAL BEHAVIOUR

Anonymity will be preserved at all times from Committee Members in terms of considering individual cases. Should a Committee Member commit anti-social behaviour this will be in breach of their Tenancy Agreement and the Co-operative's Code of Conduct for committee members.

Any Committee Member found to have perpetrated anti-social behaviour following an investigation and/or is subject to legal action, will be referred to the Committee to discuss termination of the individuals' Committee Membership or to invite a resignation in accordance with the Co-operative's rules.

15.0 EQUALITY & DIVERSITY

The Co-operative is committed to promoting an environment of respect, understanding, encouraging diversity and eliminating discrimination by providing equality of opportunity for all.

We will endeavour to ensure a fair and equal service to everyone and that all services are carried out in an undiscriminating manner in line with the Co-operative's Equality and Diversity Policy.

In particular, we will not discriminate on the grounds of age, disability, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender reassignment, sex and sexual orientation.

We will ensure this Act is adhered to at all times during its management of anti-social complaints and will ensure that all tenants are treated fairly, with support needs being met when required.

We will ensure that everyone has equal access to information and services to meet specific need. Upon request we will make available documents in a range of alternative formats/languages.

16.0 CONFIDENTIALITY & DATA PROTECTION

The Co-operative will ensure all information provided by tenants and other parties will only be used for the purpose provided.

We will process information and data in accordance with its policies and procedures relating to the General Data Protection Regulations.

Information regarding how data will be used and the basis for processing data is provided in the Co-operative's Fair Processing Notice.

17.0 APPEALS & COMPLAINTS

Appeals or complaints against our operation of this policy and the procedures for handling anti-social behaviour complaints will be processed through the Co-operative's complaints handling procedure.

A copy of our Complaints Policy and summary leaflets is available from our office or to download from our website www.forgewoodcoop.org.uk

18.0 PERFORMANCE MONITORING

The Co-operative will monitor performance on anti-social behaviour using statutory performance indicators as follows:

Statutory Performance Indicators – Social Housing Charter

- percentage of tenants satisfied with the management of the neighbourhood they live in (annual performance indicator)
- percentage of anti-social behaviour cases reported in the last year which were resolved within locally agreed targets (annual performance indicator)
- the number of abandoned properties
- the number of notice of proceedings issued for anti-social behaviour
- the number of court actions initiated for anti-social behaviour
- the number of eviction undertaken for anti-social behaviour

The performance will also be reported and closely monitored within the Performance Reports which are reported quarterly to Management Committee.

19.0 POLICY REVIEW

This Policy will be reviewed on a 5 yearly basis or earlier if the legislation changes or to ensure that its aims and good practice are being met.