

**NEIGHBOUR COMPLAINTS
AND
ANTI SOCIAL BEHAVIOUR**

Guidance Notes and Procedures

Page No	Content
3	Introduction
4	What are neighbour disputes?
5	What is Anti-Social Behaviour?
6	Categories of Anti-Social Behaviour
7 - 8	Recording Incidents of ASB
9 - 10	Category 1 – (Nuisance and Other Breaches of Tenancy)
11 - 13	Category 2 (Serious)
14 - 15	Category 3 (Very Serious)
16 - 17	Approaches to Managing ASB Cases
18 - 19	Legal Remedies
20	Implementing Legal Action
22	Appendix 1 – Examples of Neighbour Disputes/ASB
23	Appendix 2 – Categories of Anti-Social Behaviour
24	Appendix 3 – Category 1 Process Map
25	Appendix 4 – Category 2 Process Map
26	Appendix 5 – Category 3 Process Map
27	Appendix 6 – Extract from Business Continuity Plan
28	Appendix 7 – Tenant File Note
29 - 30	Appendix 8 – ASB Complaint Report
31 - 32	Appendix 9 – ASB Respondent Interview
33 - 36	Appendix 10 – ASB Incident Diary
37 - 38	Appendix 11 – Responder Support Needs Assessment
39 - 40	Appendix 12 – Reporter Support Needs Assessment
41 - 43	Appendix 13 – Specific Risk Assessment
44 – 47	Appendix 14 – Violent Incident Report
48 – 55	Appendix 15 – Sample Letters
56	Appendix 16 – Implementing Legal Action Process Map
57 – 59	Appendix 17 – Sample NOP
60	Appendix 18 – General Info on ASBO
61 – 62	Appendix 19 – Police UK – General Information

INTRODUCTION

The purpose of this document is to provide guidance and information to employees in relation to our process for the management of neighbour complaints and anti-social behaviour. This will provide guidance on the following:

- Examples of what are considered neighbour disputes and anti-social behaviour
- Action and timescales for dealing with instances of anti-social behaviour
- The way in which different agencies may inform and assist the planning of action in dealing with ASB cases
- Legal action process for an ASBO and Notice of Proceedings relating to anti-social behaviour

WHAT ARE NEIGHBOUR DISPUTES?

From time to time neighbours within a development will disagree. This can be a one off incident, or can lead to on-going issues between the individuals. In a majority of cases, employees will not need to become involved, or may not even be aware, that there is, or has been, an issue.

Common causes of neighbour disputes can be: noise; car parking; laundry; or general disagreement, however, this is not an exhaustive list. Those involved should be encouraged to find their own resolution to the situation, there is no requirement for employees, as a matter of course, to become involved in neighbour disputes.

It is not uncommon, that on occasion neighbour disputes could lead to those involved undertaking actions to annoy each other, and become involved in tit-for-tat complaints or actions. It can then become difficult to establish, who is the victim and who is the perpetrator. There is potential for the issue to begin to involve others or to impact others or the development. Where it is identified that the issues are impacting more widely and intervention by staff has not improved the situation the Housing Officer should be informed.

The Housing Officer will consider the details of the issues occurring and will visit both parties to discuss the situation.

In these instances, mediation can be offered to try to find a resolution to the issue. If mediation is not accepted or is unsuccessful, then it may be necessary to consider alternative action with both parties to stop the problem.

Where there is an ongoing tenant disagreement, but there is no breach of tenancy conditions, Bield will not progress this as Anti-Social Behaviour.

WHAT IS ANTI-SOCIAL BEHAVIOUR?

It is difficult to define what Anti-Social Behaviour actually is, as this can mean different things to different people. Some people may be more affected by certain actions/behaviours than others, therefore, the broad definition is that the behaviour or action, is causing or is likely to cause harm or distress to one or more people.

The Anti-Social Behaviour (Scotland) Act 2004 states that a person engages in antisocial 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 as them

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

The following instances may be considered annoying and may disturb or concern some individuals, however, we would not always investigate these as cases of anti-social behaviour in the first instance. For example someone disputing another tenant/visitor parking in a space would not be considered ASB, however, if this led to a verbal or physical assault, then this would obviously be investigated as ASB.

- Noise from children playing
- Personal differences/family disputes
- Disagreements regarding parking spaces
- People coming and going from the building
- Instances where it is described as people staring at an individual
- Living or domestic noises, which includes:
 - Banging doors
 - Toilets flushing
 - Conversation heard through walls, floors and ceilings
 - Neighbours walking around their home
 - Normal domestic activity such as vacuuming, TV and music sounds

As such, it is not possible to provide a series of procedural steps to be followed in every case. Staff are expected to exercise judgement and discretion when making decisions and have an awareness of the impact any decision and /or action may have on others.

In the first instance employees need to determine if a case is ASB and then take the appropriate steps to deal with this. **Appendix 1** provides some examples of issues and when considering complaints raised by individuals regarding the behaviour of their neighbours, or others within the development, these questions can be asked to determine the action to be taken.

If local development employees are unsure regarding a situation if this is a neighbour dispute or ASB, support and guidance can be provided by Housing Officers.

CATEGORIES OF ANTI-SOCIAL BEHAVIOUR

There are 3 distinct categories for Anti-Social Behaviour:

Category 1 – Nuisance & Other Breaches of Tenancy

Category 2 – Serious

Category 3 – Very Serious

Appendix 2 provides a brief overview of each of these categories and timescales to be followed relating to the investigation of the allegations and the time taking to reach a resolution.

Local development staff will generally be the first point of contact for tenants, families or visitors to report incidences of ASB and depending on the circumstance may provide an initial response to a difficult situation.

It will be the responsibility of the Housing Officer to ensure that procedures have been followed as set out within this guidance document.

Resolution

As resolution of cases will vary depending on the complexities of individual situations, within our guidance and procedures, this is defined as providing complainants with an initial response within recorded timescales. Actions included in determining a resolution relate to commencing an investigation into the reports and, where required, creating an action plan detailing any proposed action, involvement of other agencies, etc. and where appropriate an expected outcome and review of requirements.

Resolution will be sought using a range of measures which may include providing the individual concerned with appropriate support to overcome any issue causing the ASB

Where resolution of serious/very serious cases has not been obtained using non legal remedies, Bield will as a last resort pursue court action. To progress to legal action may take some months and where required, eviction could take anything from 12-24 months depending on the evidence required.

To commence court action it will be vital for Bield to provide evidence indicating repeated and significant fear, alarm and distress is being caused to tenants. It is therefore imperative that the appropriate information is recorded timeously and factually.

RECORDING INCIDENTS OF ANTI-SOCIAL BEHAVIOUR

It is important to record all complaints which are, or may be, considered ASB. This will enable action to be taken at the earliest opportunity when an issue is on-going. In all file notes, reports, letters, etc, employees should be mindful that what is recorded, in future, may be used as part of evidence in a court case. It is important that all details are accurate and factual in content.

File Notes/Reports

A note of any complaint should be recorded, in all situations, this can be done using a file note (**Appendix 7**), or on occasion it may be appropriate for Category 2 and 3, to provide a more detailed report (**Appendix 8 & 9**).

These records should be retained for the complainant, the responder and any witnesses to incidents. These should be factual and should not contain any opinions or views of the individual obtaining the information. All individuals should be made aware that any information provided may, at a later date, be used as evidence in any further action that is required to be taken. In more serious instances, this may include providing evidence at court.

The most important factor is that any incident/issue is recorded. A copy of all file notes/reports, should be retained in the main tenant file within the area office. This should also be recorded within the diary information for the tenant on the housing management system.

Using A Diary to Record Incidents

Where a tenant has indicated that a situation that has previously been reported has not been resolved, for example noise from a neighbour's TV or squeaky floorboards, it may be helpful to ask them to complete a diary of issues. The Housing Officer should be alerted that this action has been taken, so that they can monitor the situation and provide guidance and support. This will help to identify when the issue is arising, what the individual is actually experiencing and how frequently this is occurring. (**Appendix 10**) It is important when using this tool to ensure that timescale for reviewing this has been agreed with the tenant.

A visit should also be undertaken with the alleged perpetrator to explain that a further complaint has been received, and consider actions that could be taken to try to de-escalate the situation. It may be evident from this visit that the individual is hearing impaired and they should be encouraged to use hearing aids to assist them to watch TV without disturbing others.

A visit with the individual accused of anti-social behaviour may identify areas where support is required. The Housing Officer should be alerted to this and an agreement made with the tenant that a referral can be made to the Tenancy Sustainment Officer, or local support agencies, dependent on the support need identified.

It is hoped that by working with the individual and undertaking appropriate action promptly that this will prevent the situation from escalating.

A copy of all diary notes, should be retained in the main tenant file within the area office. This should also be recorded within the diary information for the tenant on the housing management system.

Supporting the Complainer/Alleged Perpetrator

Reporting of ASB by an individual can be the result of the individual experiencing difficulties, this may be the complainer or the alleged perpetrator, and it may be evident from discussions and visits that the behaviour is due to a need for additional support.

In these instances the process for dealing with ASB should continue to be followed, however, a Support Needs assessment form should be completed to enable additional support to be identified, this may be for the respondent or reporter (**Appendix 11 & 12**). A referral, where appropriate, should be made to the Tenancy Sustainment Officer. This recognition and acceptance of additional support may prevent or reduce any further complaints or acts of ASB by the individual.

Again all information recorded should be emailed to the appropriate Housing operations team to be noted on the tenant diary and filed within the central tenant file.

Recording Abusive or Violent Behaviour – Employees

In instances where an employee feels that the actions of a tenant towards them has been abusive or threatening, they should complete a Violent Incident Form, (**Appendix 14**). The guidance and process relating to this type of incident is located on Grapevine, using this link:

<http://grapevine/interact/Pages/Content/Document.aspx?id=1510>

It may be appropriate to complete a Risk assessment following any instance of aggressive or violent behaviour to ensure the safety and security of employees. The employee should, with their manager, complete an Aggressive or Violent Behaviour form (**Appendix 13**), this is located on Grapevine, using this link:

<http://grapevine/interact/Pages/Content/Document.aspx?id=1507>

In the event that an employee feels that they have been verbally or physically threatened or abused, by a tenant or visitor within the development, they should contact the Police at the earliest opportunity. Dependent on the incident this can be reported using the 101 number or if the incident is serious or ongoing, and there is a danger to any individual then 999 should be contacted. They should also alert the relevant Housing Operations or Care Services department as soon as possible, or contact BR24 outwith office hours, who will contact relevant individuals as per the Business Continuity Plan (**Appendix 6**).

CATEGORY 1 – NUISANCE & OTHER BREACHES OF TENANCY (See Appendix 3)

This category covers less serious nuisance, including cases of excessive noise, infrequent disturbances.

It may be that issues that had previously been identified as a neighbour complaint, such as complaints from a noisy television causing disturbance, have escalated and are occurring on a more regular basis.

Local employees will probably be aware of issues that have been on-going and any previous actions will be recorded on tenant file notes of both the reporter and the alleged offender.

Initial investigations relating to Category 1 ASB will **5 working days**.

Category 1 - Resolution, in accordance with the policy, should be reached **within 15 working days of receipt of report**.

When it is identified that the incident, or previous neighbour dispute, has escalated to anti-social behaviour, the local manager, or Housing Officer, will:

- Complete a file note with the complainant detailing information relating to the incident/s
- Agree action with the complainant to try to resolve the situation
- Within 5 working days commence an investigation into the incident/s, gather information i.e. statement from reporter, details of all involved in the incident, witnesses etc.
- Visit witnesses to confirm if the incident has been corroborated

If the incident has not been corroborated the local manager, or Housing Officer, will:

- Visit both the complainant and alleged offender and advise that the incident has not been corroborated, however, a note of the incident will be recorded but at this time no further action will be taken
- Confirm, in writing, the outcome to both/all parties
- if appropriate provide update to witnesses

If the incident has been corroborated by witnesses the local manager, or Housing Officer, will:

- Advise the complainant and the offender that the incident has been corroborated and that a breach of tenancy has been established and inform them of the proposed action
- Confirm visits/discussions by letter or complete a tenant file note, if using a tenant file note this should be signed by the tenant and a copy provided to them. This should then be scanned to the Housing Assistant general and HO mailbox, subject ASB File Note (date) – Tenant Name and Flat No. The Housing Assistant will input a diary entry into the Housing Management system, subject ASB, and detail that the file note has been received and has been saved into the tenant file.

- Consideration should be given to any additional support that has been identified, which is perhaps exacerbating the situation. It may be helpful to involve other agencies, such as TSO referral or SW,

Resolution

The local manager, or Housing Officer, will:

- Provide updates/outcomes to the reporter and responder
- HO – will update CTX with all action taken and save all paperwork to the relevant tenant file
- Local Manager – will email the Housing Services Assistant and Housing officer, with all paperwork attached, to enable CTX tenant diary and tenant file to be updated accordingly.
- HO will update register recording any recommendations for future action

CATEGORY 2 - SERIOUS (See Appendix 4)

This category will include serious anti-social behaviour and harassment, including cases of threatening or abusive behaviour, verbal abuse, frequent serious disturbance or vandalism and damage to property. Usually there will be police involvement. For example this could involve intimidation, drug or alcohol abuse in the common areas or constant noise disturbance.

Usually there will be police involvement and such cases will require a prompt response and investigations to commence within **3 working days**.

Category 2 - Resolution, in accordance with the policy, should be reached **within 8 working days of receipt of report**.

On the initial report of, or witnessing, an incident and after assessing that there is **no immediate risk** to staff/tenants/visitors **the duty staff member will:**

- Calmly ask those involved to refrain and, if appropriate, and it will not aggravate the situation, advise that Police may be called
- Request that any other tenants, family or visitors retreat to a place of safety and if possible and safe to do so, provide assistance as required
- Advise the tenant reporting the incident that this information will be recorded and passed on to the HO/Duty HO and this may result in the HO/Duty HO contacting the tenant

If, on the initial report of the incident, the duty staff member assesses that there is **no** requirement for police involvement and it is safe to approach the people involved, **the Duty Staff member will:**

- Consider if it is an appropriate time to visit those involved. The purpose of the visit is to offer re-assurance, endeavor to calm individuals establish if anyone requires support and/or assistance.
- Assist tenants, where required, to obtain relevant support.
- Consider if it is deemed necessary for an accompanied visit, however, if no other member of staff is available then the visit should **NOT** take place
- If it is not considered safe to visit, contact BR24 and ask them to contact the tenants involved to offer re-assurance, establish if anyone requires support and/or assistance from family carers etc.

If after assessing the situation the staff member believes there **may still** be a risk to staff/tenants/visitors **they will:**

- Immediately retreat to a place of safety within the development and contact police by dialing 999 or pulling a cord to BR24 and thereafter follow procedures for Category 3 (**See Appendix 5**)

Staff should not put themselves at risk and remain available to seek appropriate assistance.

Follow up Action

If the tenant reports a serious incident, but advises they do not wish the police to be contacted. Staff must consider if the incident impacts on or puts at risk any other tenants/staff/visitors and if this is the case the **duty staff member will:**

- Advise the tenant reporting the incident that the police will be called
- Follow ASB Category 2 procedures

If the duty staff member considers an immediate written risk assessment is required e.g. is any member of staff/tenants/visitors etc. at risk of any repercussions following the incident then the **duty staff member will:**

- Complete the Risk Assessment Form
- Ensure that everyone included in the risk assessment are informed and any required action. E.g. Do not use lounge; staff should only do accompanied visits etc.
- Advise BR24 of the Risk assessment, highlighting areas where their assistance will be sought e.g. do not allow access to person/s involved or contact police if person/s involved returns to development, front entrance door will be locked 24hrs etc.
- Ensure that this is copied to the Housing Officer/Housing Operations Manager

As soon as possible following the incident, the duty staff member should:

- Contact other tenants who may have witnessed incident to offer re-assurance and establish if anyone requires support and/or assistance
- Assist tenants, where required, and provide appropriate support.

Reporting - *During Office Hours*

The **duty staff member will:**

- Report the incident immediately to a member of the Housing Operations team (*ideally the Housing Officer for the development but if they are not available then the duty staff member should advise any member of the Housing services team and request that an Officer or Manager calls them as soon as possible. Do **NOT** leave a voicemail message*)
- Complete an ASB incident Form
- Complete a violent incident form if a member of staff has been assaulted or threatened (*in accordance with Violence at work Policy*)
- Ensure that copies of these documents are emailed to the Housing Services general email box (copied to HO), highlighted "Urgent". Details will be noted in the appropriate tenant diary facility on CTX and these notes will confirm that all paperwork has been saved to the tenant files
- If the local employee is going off duty, then they should ensure that information is accessible to the next employee coming on duty as manager. This can be by using the diary to direct them to files notes or emailing their personal Bield email address with the documents.

Reporting - Out of Office Hours

The **duty staff member will consider** if the incident will create a risk to the delivery of the service at the development. If it is considered it will, then they should:

- Contact BR24 to advise of the incident, who will inform the Crisis Management Team. BR24 will update duty manager of any outcome. It is unlikely that the incident will require attendance by any other staff
- Any incident which is likely to attract media attention should also be reported to BR24 who will contact a member of the Crisis Management team to seek advice. BR24 will report back to development staff. In accordance with the media procedures, staff should **not** provide any comment to the media on the incident

If the incident will not put the service at risk the duty staff member will:

- Advise BR24 of the incident
- Complete an ASB incident Form
- Complete a violent incident form if a member of staff has been assaulted or threatened (*in accordance with Violence at Work Policy*)
- Ensure that copies of these documents are emailed to the Housing Services general email box (copied to HO), highlighted "Urgent". Details will be noted in the appropriate tenant diary facility on CTX and the notes will confirm that all paperwork has been saved to the tenant files
- If the local employee is going off duty, then they should ensure that information is accessible to the next employee coming on duty as manager. This can be by using the diary to direct them to files notes or emailing their personal Bield email address with the documents.

It is important at this time for the duty staff member to remain impartial and should not pass judgment on individuals or agree or disagree with those involved.

Next Steps

The Housing Officer will arrange to visit the development as soon as possible and within 3 working days and the **duty development manager should:**

- Discuss any other relevant information that has occurred since completion of the original paperwork emailed to the HO
- Assist Housing Officer in completing or reviewing Risk Assessment if not already completed
- Assist the HO in communicating the Risk assessment to all concerned

CATEGORY 3 – VERY SERIOUS (See appendix 5)

This relates to extreme behaviour such as serious assault, extreme verbal abuse, violence and harassment. For example this may relate to threats of violence or violent criminal activity, for these types of cases it is expected there will be police involvement.

Such cases require an immediate response with investigation commencing within 1 working day.

Category 3 - Resolution should be reached within 5 working days of receipt of report.

Staff must remain impartial at all times and should not pass judgment on individuals or agree or disagree with those involved.

On initial report of incident, the **duty member of staff will:**

- Assess if any tenant/visitor or staff member is at risk and if it is safe to do so, assist anyone present to a place of safety. If doing this would create a risk for the staff member they should immediately retreat to a place of safety within the development and contact police by dialing 999 or pulling cord to BR24
- Inform police or BR24 that they require assistance and provide clear and factual information of the incident and any potential risk to tenants, staff or visitors
- Await Police arrival and should **Not** intervene in incident or communicate with those involved
- Ensure BR24 are aware of the incident and that Police may be contacting them for access etc.
- Remain in a safe place until police assistance arrives or until such time that it is deemed safe to return to the office
- If situation deteriorates, make another call to police/BR24

On arrival, the Police will investigate the incident, make a decision if charges are to be brought against any individual and decide if anyone else requires to be informed i.e. Emergency SWD, Support Provider, family etc., the **duty member of staff will:**

- Follow guidance from Police and provide them with any relevant information requested. i.e. details of any support requirements and support provider
- Assist Police where requested, with contacting family, carers etc.
- Provide Police with details of BR24 out of hours service and contact details
- Update BR24 with any relevant information
- Seek advice from Police to establish if there is any further risk to other tenants/staff/visitors etc.

Reporting - During Office Hours

Follow procedures for Category 2

Out of Office Hours

The duty staff member will consider if the incident will create a risk to the delivery of the service at the development **the duty staff member will:**

- Contact BR24 who will inform the Crisis Management Team. BR24 will update duty manager of any outcome and become the link person who will provide feedback, guidance and updates to development staff

Any incident which is likely to attract media attention should also be reported to BR24 who will contact a member of the Crisis Management team to seek advice. BR24 will report back to development staff.

In accordance with the media procedures, staff should not provide any comment to the media on the incident

Next Steps

The Housing Officer will arrange to visit the development the same, or next working, day and the **duty development manager will:**

- Provide Housing Officer with copies of any relevant paperwork. e.g. tenant notes, ASB Incident Form, Violent Incident Form, Risk Assessment etc.
- Discuss any other relevant information.
- Assist Housing Officer in completing or reviewing Risk Assessment if not already completed
- Assist the HO in communicating the Risk assessment to all concerned.

Providing an Outcome

It is important to ensure that those involved are updated of the outcome when the investigation is concluded.

The complainant/s and responder, including witnesses where appropriate, should be informed what this outcome is and if there is any further action.

For situations which are less serious, Category 1, it may be that a visit with the tenant, and a completed file not detailing the outcome of the investigations is sufficient.

If a file note is not completed the complainer and alleged perpetrator should receive correspondence confirming the outcome of the situation. **(Appendix 15)** provides examples of letters that can be used to provide updates. These are general letters and should be used as guidance. Due to the complexity of ASB, it is not possible to provide examples for every eventuality, therefore, these should be adapted to the particular incident.

A copy of all letters/file notes recording the outcome, should be retained in the main tenant file within the area office. This should also be recorded within the diary information for the tenant on the housing management system.

APPROACHES TO MANAGING ASB CASES

There are various measures that can be taken to try to address anti-social behaviour, which will be considered in line with the issues that have been highlighted.

Unfortunately, it is unusual for ASB to fit into one category and it is usually identified through investigations and discussions that there are other underlying issues that are exacerbating the situation, for example poor mental health or addiction issues.

The following are actions that can be considered by Bield employees when dealing with instances of ASB, in some cases there will be several actions being undertaken during any one case due to the complexity of the issues:

Verbal or Written Warnings

During the investigation into issues it may be decided that it is appropriate to issue the individual involved in perpetrating ASB with a verbal or written warning. The course of action taken will be dependent on the severity, or frequency, of the behaviours that have caused distress or upset to other tenants.

These warnings will be logged within the tenant records and the individual will be aware of the possibility of further action should the behaviours not improve.

Mediation

Where there are issues involving one or more neighbours, a referral may be made for mediation. This may be with Tenancy Sustainment Officer, or a local mediation agency. This may assist in preventing neighbour complaints escalating into more serious anti-social behaviour.

It is essential that all parties involved in mediation have agreed to this and will engage, in order to make this process work.

It is important to note in tenant records that this offer of mediation and any response from the mediation provider, to highlight the outcome of this.

Community Safety Teams/Neighbourhood Noise Teams

In some areas Community Safety Teams may operate and will assist with reports of ASB. Their involvement may be restricted to visiting the premises, as a presence, to prevent and report on on-going ASB. They may assist in collating information from tenants and others within a locality.

Neighbourhood Noise Teams may be able to provide assistance and guidance on actions that can be taken where there are allegations of on-going noise disturbance.

Anti-Social Behaviour Teams

ASB and Neighbourhood Teams within some local authorities will provide assistance in developing cases for on-going Anti-Social Behaviour cases. They can undertake visits out of hours, when complaints are received, and provided details of any cases within our properties or local vicinity, which may impact on our tenants.

It is usual for the organisation to have signed up to the local authority Anti-social behaviour protocol, which enables information to be shared more easily, in relation to the investigation and management of these cases.

Police

The police may be contacted to deal with on-going/serious cases of anti-social behaviour. In cases where it has been recognised that there is police involvement, the Housing Officer should contact the police to confirm matters.

If Police have been contacted by staff or tenants to assist with a matter, a note of the date and incident number should be retained and provided so that this can be used in any further investigation/enquiries regarding anti-social behaviour.

Tenancy Sustainment Officers/Social Work/Support Agencies

The behaviour identified may result in referrals being made to Bield's own Tenancy Sustainment Service, Social Work, or other support agencies, to assist.

This may be related to concerns regarding ability to sustain their tenancy due to neglect or impact of visitors to both the tenant and the environment. This may also be agencies such as those dealing with issues relating to addiction or mental health issues.

Work will be undertaken to support the individual to improve the situation and the behaviours with case meetings being held/requested to ensure that any issues that arise are addressed and actions identified.

Acceptable Behaviour Contracts

We may consider working with an individual, who persists in undertaking elements of ASB, by developing an Acceptable Behaviour Contract.

This will detail the information relating to the incidents that have resulted in this contract being developed and the consequences for the individual should the anti-social behaviour continue. It may be that local police will be involved in cases where this type of contract is drawn up and may attend the meeting with the Housing Officer in agreeing this.

These will be reviewed regularly and in instances where this contract is breached, a decision will be taken regarding how to progress matters.

LEGAL REMEDIES

Banning Order

A Banning Order is a legal order, which must be obtained via the courts, to safeguard an adult at risk. This prevents an individual from entering a property/area for a period of time not exceeding 6 months, and may include other restrictions. There may also be a power of arrest attached to this order, which means that in the event that an individual breaches this police should be contacted.

Interdicts

In cases where it is not appropriate to take forward action relating to an ASBO, and interdict can be considered. An interdict does not relate solely to anti-social behaviour and is a court order telling someone to stay away from a specific place or individual or to stop doing something.

An interdict can be obtained on behalf of an individual or by the organisation on someone's behalf, and is granted by a court order. It needs to be agreed if the organisation has a legal obligation to assist with this order, or if the individual should be applying for this on their own behalf.

In these cases, it is imperative that legal advice is sought due to the complexity of these orders and to ensure that it covers all aspects of the behaviour and actions that are being experienced.

ASBO/CRASBO (Criminally Related Anti-Social Behaviour Order)

Where all other avenues have been exhausted, or in the event of a serious incident, the Housing Officer will discuss with the Housing Operations Manager, whether an application should be made for an Anti-Social Behaviour Order.

In making an application for an ASBO/CRASBO it will be necessary to collate all information pertaining to the behaviour and provide details of those directly affected. In some cases tenants or employees who have been affected by, or witnessed, the behaviour may be asked to attend court as witnesses in these cases.

In the event that an ASBO/CRASBO is granted, the organisation will provide information to neighbours of the conditions of the order.

Conversion to Short Secure Tenancy

On the granting of an ASBO/CRASBO it will be decided whether, or not, the tenancy should be converted to a Short Secure Tenancy. This decision will be made by the HO/HOM and if agreed action will be taken to serve the appropriate papers to the individual named on the ASBO.

From 1 May 2019, following implementation of the Housing (Scotland) Act 2014, it will no longer be necessary to undertake criminal court or other court proceedings to convert a tenancy to a SSST for ASB. The tenancy can be converted for an initial period of 12 months, if the ASB meets the criteria agreed by the organisation, and must include sufficient evidence and information relating to the case to result in this action being taken forward.

The purpose of this is to encourage individuals to work with the organisation and, where appropriate, other support agencies to improve the behaviour identified as anti-social, which may require a period of time for the appropriate support to be put in place and become effective.

Further guidance regarding the SSST requirements are noted within the SSST procedures.

In the event that there are joint tenants the notice is required to be served on all parties named on the tenancy.

NOP and Eviction

A notice should be served to the tenant and any qualifying occupier, specifying the grounds for the action and the date on which proceedings can be raised. This date should be no earlier than 4 weeks from the date the notice was served. Attention should be taken to ensure that the “ish” date is correct on all notices served. Action in relation to proceedings should be commenced within 6 months of the specified date, if this is not undertaken, a new notice is required to be served.

The grounds for the notice should be specified, which in most cases of ASB are:

- Ground 1: Rent arrears or any other breach of the tenancy agreement
- Ground 7: Antisocial behaviour or conduct amounting to harassment

Consideration should be taken to identify any further grounds that should be included within the notice, for example:

- Ground 2: using the house for illegal or immoral purposes or other criminal offenses
- Ground 3: Deterioration of the property or common parts.

IMPLEMENTING LEGAL ACTION

The Housing Officer will discuss all category 2&3 cases with the HOM who will review the action plan implemented and action taken to date. Through discussion they will agree if any further action is required, in particular considering non legal remedies that may assist to progress the case e.g. mediation, support from other agencies etc.

Dependent on the individual case a decision may be taken to pursue legal action in relation to ASB. The HO/TSO should ensure that all relevant information pertaining to the case is recorded and all correspondence held within the tenant file. The HO should ensure that the tenant is aware that legal action is being pursued.

An NOP will be completed providing details of the legal grounds for pursuing this course of action. Information may be sought from solicitors to ensure that all actions have been undertaken appropriately. The HOM will confirm that this NOP can be served to the tenant.

Following the notice period of the NOP, the HOM will forward all necessary paperwork to the Solicitors.

HO/TSO should continue to record any ASB within the tenant diary to enable this information to be passed to the Solicitor prior to any court date.

Prior to the court hearing the HOM will collate any additional information and discuss this with the legal representative. This will enable a decision to be made regarding action, for example, if the situation has improved, it may be appropriate to cist the case for a period of time to enable monitoring of behaviour. Alternatively, due to seriousness of the ASB or due to on-going ASB it may be decided to proceed to court action to seek ASBO or repossession.

If an ASBO is granted the HOM will liaise with the HO/TSO to implement monitoring procedures and liaise with Solicitors when there has been any breach of the ASBO.

When a decree for eviction has been granted the HOM will seek approval from Director of Customer Services and Chief Executive to proceed with obtaining an eviction date and thereafter request Solicitors to obtain an eviction date and arrange for Sherriff Officers to attend.

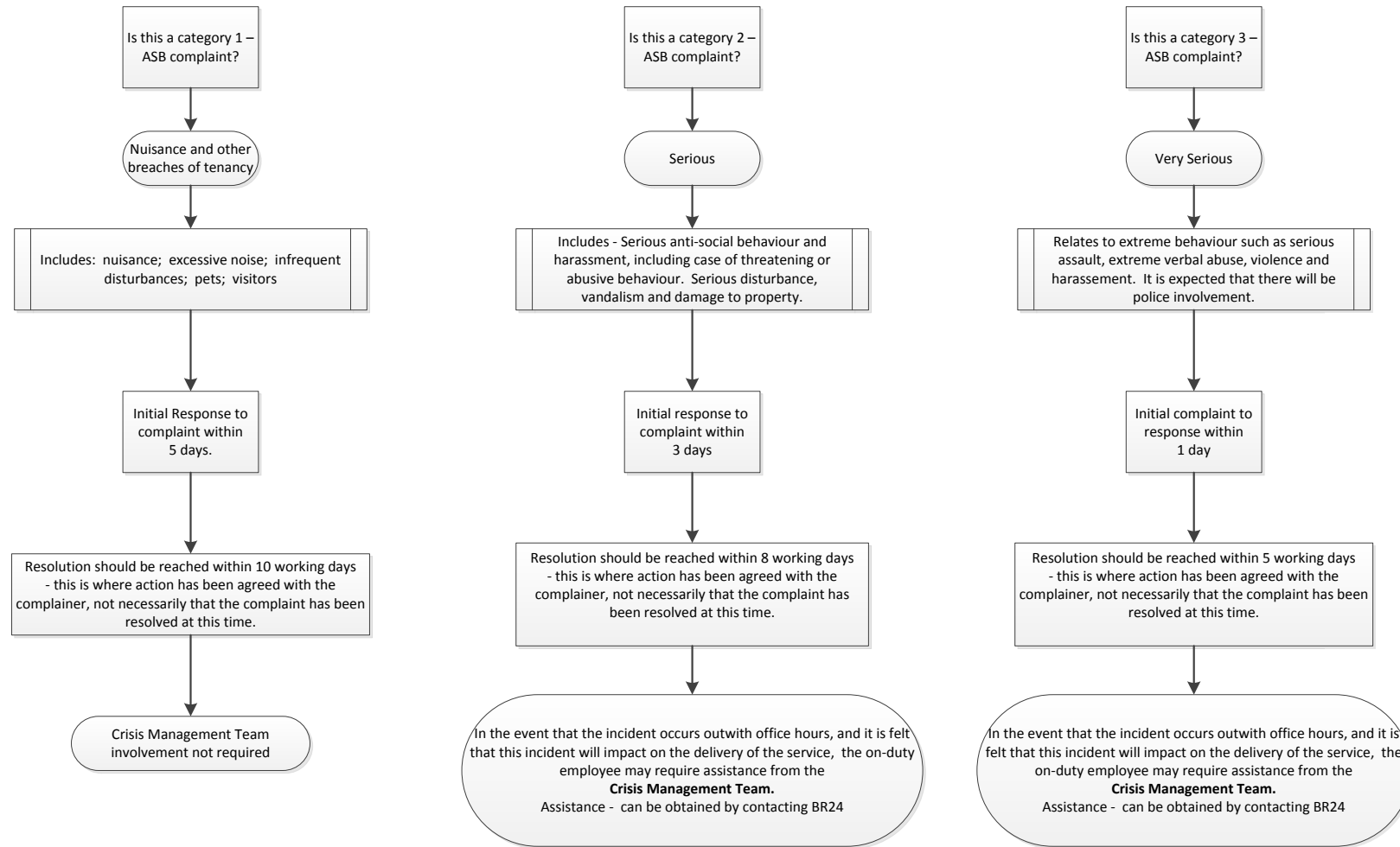
APPENDICES

APPENDIX 1 - EXAMPLES

Issue	Does this Impact on other tenants by causing fear, alarm and/or distress?	Can the issue be corroborated?	Is there a breach of tenancy	Is this ASB?
Tenants arguing with each other –	No impact on other tenants – purely a disagreement between 2 neighbours	Other tenants have witnessed this matter but does not cause concern	NO	NO
Tenant complaining about banging noise from neighbours property	No other complaints about noise	noise cannot be confirmed either from other tenants, staff	NO	NO
Tenant complaining about loud music in the early hours of the morning	Tenant awoken abruptly and noise persisted for a period of time, leading to disturbed night	Information from neighbours confirm noise continued for a period of time during night	YES as per 3.1 SSTA <i>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.</i>	YES
Tenants arguing with each other in the dining area	Yes other tenants are upset by the incident during dining	Yes other tenants and employees have witnessed this	YES as per 3.1 SSTA <i>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.</i>	YES
Tenants visitor frequently using abusive language in common areas	Yes other tenants are upset by the frequent outbursts and are afraid of the visitor	Yes other tenants have witnessed this	YES as per 3.1 SSTA <i>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.</i>	YES

Appendix 2

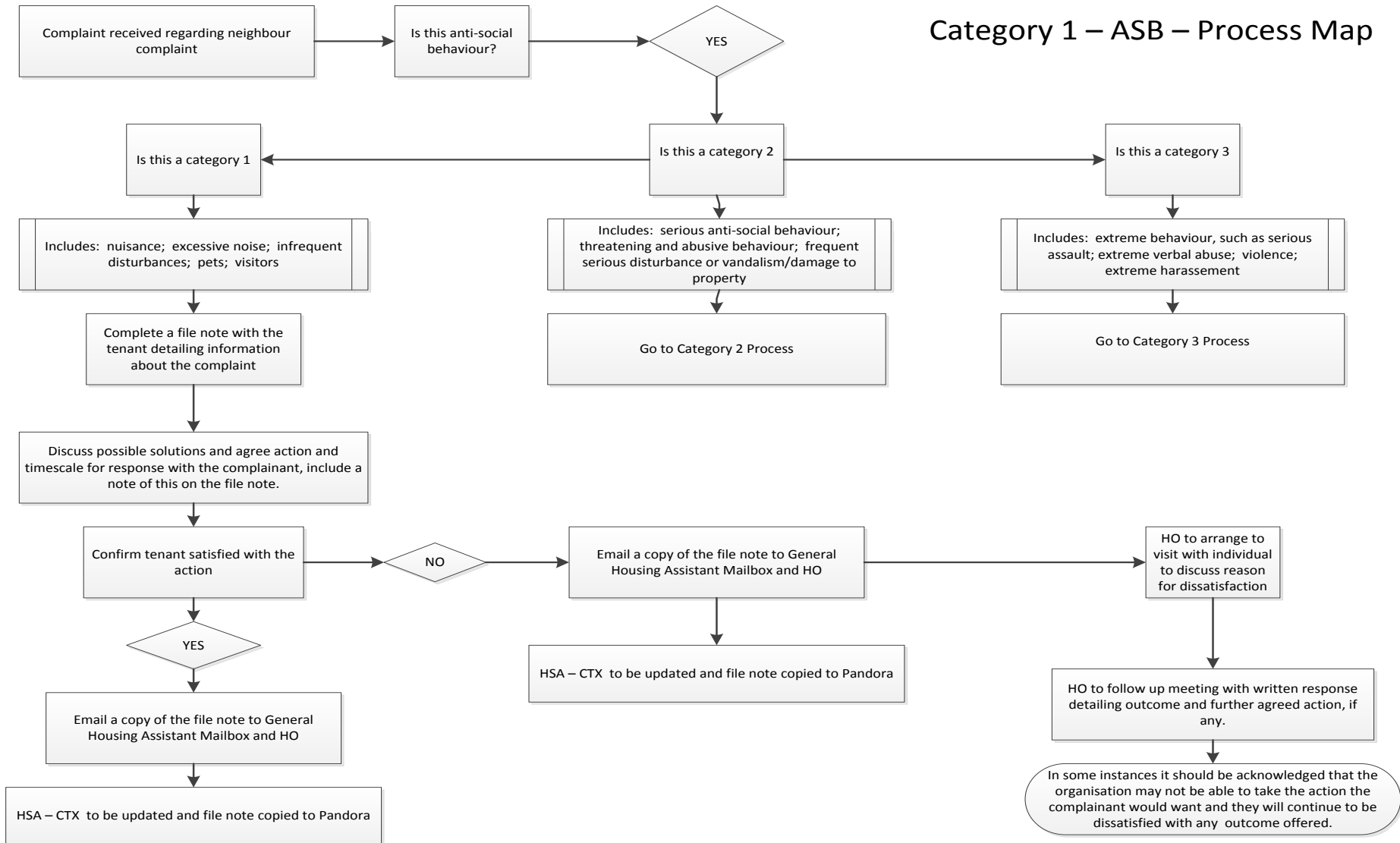
ANTI-SOCIAL BEHAVIOUR CATEGORIES AND TIMESCALES FOR RESPONSE/RESOLUTION



**Any incident that is likely to attract media attention should be highlighted to the Business Support Team during office hours.
Out of hours - BR24 should be contacted and asked to inform the Crisis Management Team**

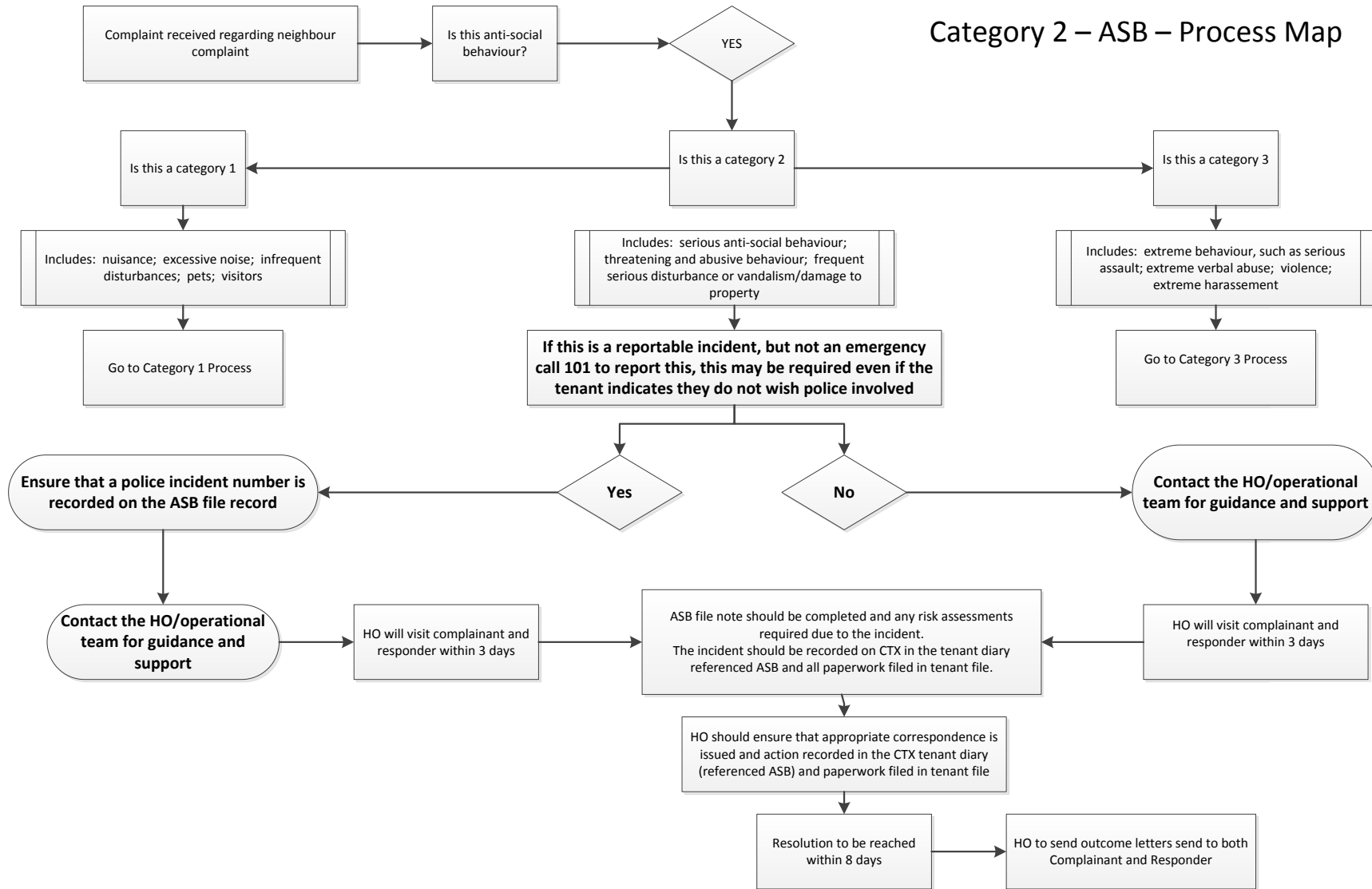
Appendix 3

Category 1 – ASB – Process Map



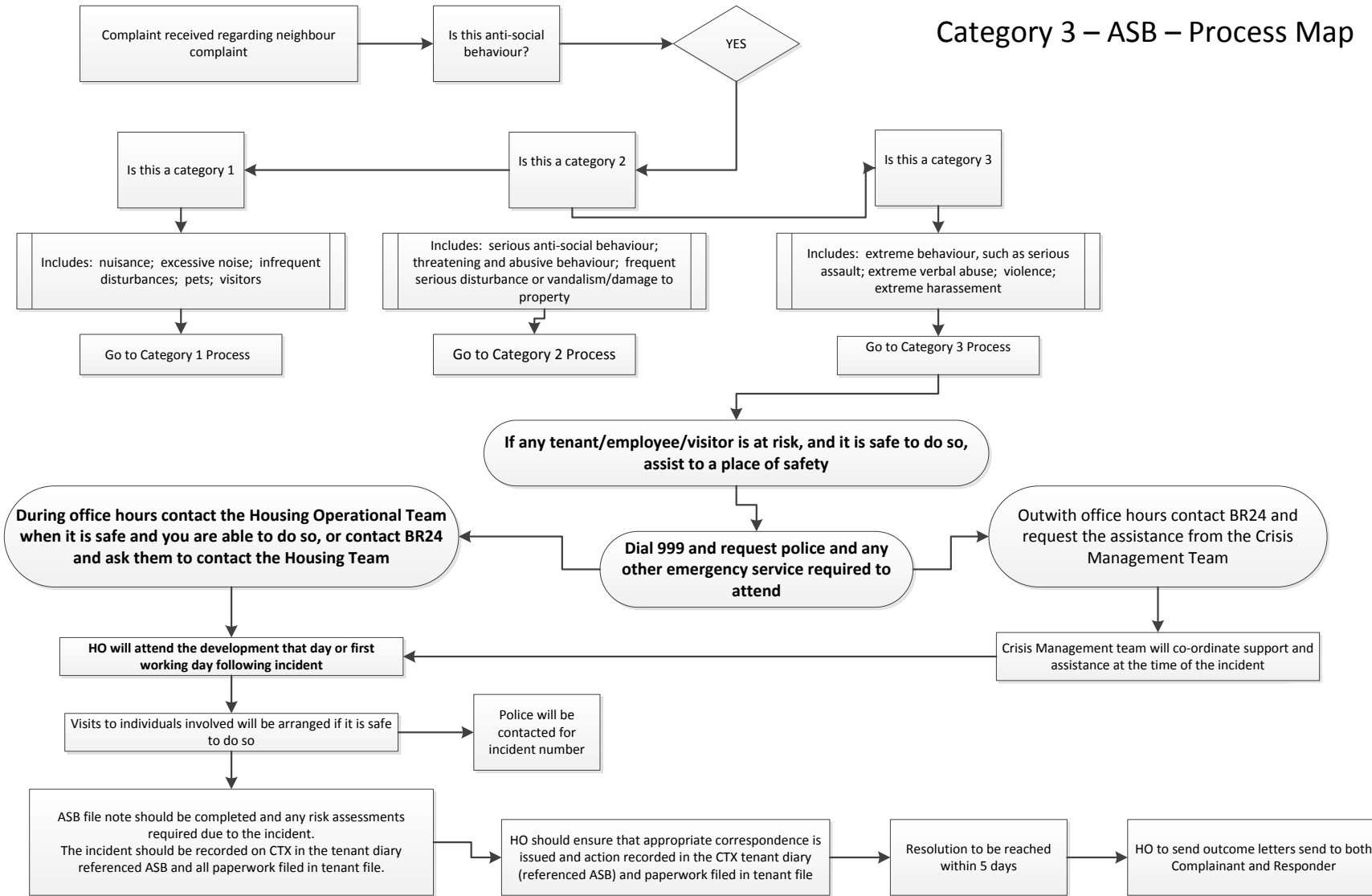
Appendix 4

Category 2 – ASB – Process Map



Appendix 5

Category 3 – ASB – Process Map



Extract from Business Continuity Plan

1	Minor incident	<ul style="list-style-type: none"> • The incident is unlikely to affect normal scheme operations or services • No staff or tenant/resident casualties • The incident can be dealt with and closed by local staff and / or the Emergency Services • <i>Crisis Management Team involvement not req'd</i>
2	Minor disruption to scheme	<ul style="list-style-type: none"> • Minor staff or tenant/resident casualties (no hospitalisations) • Incident expected to be dealt with inside 24 hours • <i>Crisis Management Team placed on standby</i>
3	Significant disruption	<ul style="list-style-type: none"> • Normal scheme operations or services affected for more than 24 hours • Staff or tenant/resident hospitalisations (no fatalities) • Access denied to scheme premises for more than 24 hours • <i>Crisis Management Team involvement mandatory</i>
4	Major disruption	<ul style="list-style-type: none"> • Destructive loss of all or part of scheme premises • Major widespread incident in scheme's location • Significant disruption to scheme or service operations • Staff or tenant/resident fatalities • <i>Crisis Management Team involvement mandatory</i>

During normal office working hours (Mon – Fri 9am-5pm)

If a situation occurs, that will disrupt the service provided at your development, please follow the ASB procedure manual and contact your immediate line manager or area office who will decide if the Business Continuity Plan is invoked.

Out-with normal office working hours

If a situation occurs, that will disrupt the service provided at your development, please follow the ASB procedure manual and contact BR24 with as much detail as possible and they will decide if the Business Continuity Plan is invoked.

Appendix 7

BIELD HOUSING & CARE

CONFIDENTIAL – FILE NOTE

Tenant: _____

Address: _____

Date:	Reason for Visit:
Summary of Discussion:	
Action Required:	
Signed: Tenant	Date:
Signed: Housing Officer	Date:
For office use only:	

ANTI-SOCIAL BEHAVIOUR COMPLAINT REPORT

Please note-every effort will be made to ensure that the information you give us will remain confidential. However, it may be used in the preparation of court action should the need arise.

Reporter Details:						
Name:				D.O.B:		
Address:				Scheme No:		
Tel No:				Tenant No:		
Complaint Against:						
Name:						
Address:						
Incident Details						
Day:		Date		Time		Where
Nature of Complaint:						
Have you reported the incident to any other agency? <i>i.e. Police?</i>						
If `YES` when?		/ /		To Whom?		
Witness Details:						
Name:				Address:		
Name:				Address:		

Reporters signature:		Date:	
Visiting officers signature:		Date	
FOR OFFICE USE ONLY:			
Incident Reference No:			
What action will be taken?	<i>i.e. verbal/written warning</i>		
Letters Sent:		Date:	

ASB1 – Anti-Social Behaviour Interview Form

Form ASB1 should be used completed when interviewing a complainant to clarify the details relating to the alleged incident of anti-social behaviour that they have experienced.

- It is important that all information gathered is accurate relating to the individual/s involved.
- Information relating to any witnesses to the incident should be gathered and the reporter should be informed that we may need to speak to these individuals.
- Any action should be discussed and noted.
- The reporter should be made aware that if further action, including legal action, regarding anti-social behaviour is taken forward that the information provided may be used as part of any ongoing action.
- The reporter should also be made aware that in the event that legal action is required that they may be required to provide evidence, which may require attendance at court.

ANTI-SOCIAL BEHAVIOUR INTERVIEW REPORT

Reference No

Tenant Details:			
Name:		D.O.B:	
Address:		Scheme No:	
Tel No:		Tenant No:	
Complaint Details:			
Response:			
Witness Details:			
Name:		Address:	
Name:		Address:	
Name:		Address:	

Tenant Signature:		Date:	
Visiting officers signature:		Date	
FOR OFFICE USE ONLY:			
Incident Reference No:			
What action will be taken?	i.e. verbal/written warning		
Letters Sent:		Date:	

Appendix 9

ASB2 – Anti-Social Behaviour Interview Form

Form ASB2 should be used completed when interviewing an alleged offender, subject of a complaint of anti-social behaviour.

- Prior to the interview the officer should complete the first section of the form with the alleged offenders personal details and brief details of the complaint, taking care to ensure, that, where possible, details which would identify the complainer are not included.
- Establish the full name and date of birth of the individual who is subject to the complaint.
- During the interview, the alleged offender should be reminded of the purpose of the interview and advised of the details of the complaint. He/she should then be invited to make any response to the allegations and any response should be noted on the form.
- He/she should then be asked whether they wish to provide the details of any witnesses to support their position in the matter and any provided should be noted.
- If, at this stage, a decision can be made as to what action is intended, this should be recorded on the form. At the conclusion of the interview the alleged offender should be invited to read the interview form and sign it. After countersigning by the visiting officer a copy should be given to the alleged offender.
- If the alleged offender refuses to sign the form, this should be noted on the form and a copy posted out with a covering letter.
- If the alleged offender does not attend the interview then this should be noted on the form and posted out with the next stage warning letter. Staff should establish the reason for non- attendance.

Anti-Social Behaviour Incident Diary

YOUR DETAILS:

NAME: _____

ADDRESS: _____

TELEPHONE: _____

EMAIL: _____

WHO ARE YOU COMPLAINING ABOUT?

NAME: _____

ADDRESS: _____

You have informed us that you are experiencing instances of anti-social behaviour from your neighbour. In order to help us to investigate this further you should use this diary to record all incidents that you feel are causing you distress or disturbance. Please see the information over the page relating to how anti-social behaviour is defined and what we would not investigate.

It has been agreed that you will keep this diary over a period of _____ weeks. Your Housing officer will then visit you on _____ to discuss this with you.

If during this time you feel that the situation has become too difficult please speak to your local manager or telephone your housing officer on _____.

We have provided some information on what is and what is NOT anti-social behaviour, and details from you tenancy agreement?

Signed: _____ **Date:** _____

Signed: _____ **Date:** _____

WHAT IS AND WHAT IS NOT ANTI-SOCIAL BEHAVIOUR?

The Anti-Social Behaviour (Scotland) Act 2004 states that a person engages in antisocial 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 as them

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

Bield Housing and Care cannot deal with all matters that you may consider a nuisance or distressing, such as:

- Noise, that is considered reasonable, from children playing
- Personal differences/family disputes
- **Disagreements regarding parking spaces – no tenant has an individual car parking space and these are allocated on a first come first served basis**
- People coming and going from the building, and are not acting in an unruly manner
- Instances where it is described as people staring at you
- Living or domestic noises, which includes:
 - Banging doors
 - Toilets flushing
 - Conversation heard through walls and floors
 - Neighbours walking around their home
 - Normal domestic activity such as vacuuming, TV and music sounds

Should you believe that you are experiencing anti-social behaviour please complete the form as agreed and forward to your development manager or Housing Officer.

You should note that in the event that the organisation takes court action based on the information that you have provided, to request an Anti-Social Behaviour Order, you may be asked to give evidence in Court.

Where there are ongoing tenant disagreements but there is no breach of tenancy conditions, Bield will not progress this as ASB.

Only acts of an Anti-Social Behaviour will be considered.

We reserve the right to discount any incidents that are deemed to be not relevant and contain either private or hearsay information about a person, or contain information about lifestyle choices that you disagree with but is not anti-social.

Anti-Social Behaviour Incident Diary Sheet

Record as accurately as you can (within the boxes provided) as the anti-social behaviour happens. Give a full and accurate account of the incidents, including any witnesses and if Police were called.

Name: _____ Address: _____

Date:		Start Time:		Finish Time:	
Incident Details:					
Police Incident No: (if applicable)					

Date:		Start Time:		Finish Time:	
Incident Details:					
Police Incident No: (if applicable)					

Date:		Start Time:		Finish Time:	
Incident Details:					
Police Incident No: (if applicable)					

Date:		Start Time:		Finish Time:	
Incident Details:					
Police Incident No: (if applicable)					

Date:		Start Time:		Finish Time:	
Incident Details:					
Police Incident No: (if applicable)					

Date:		Start Time:		Finish Time:	
Incident Details:					
Police Incident No: (if applicable)					

Date:		Start Time:		Finish Time:	
Incident Details:					
Police Incident No: (if applicable)					

Date:		Start Time:		Finish Time:	
Incident Details:					
Police Incident No: (if applicable)					

Signed: _____ Date: _____

**RESPONDER SUPPORT NEEDS ASSESSMENT FORM
ANTI SOCIAL BEHAVIOUR**

Name:			
Address:			
Tel No:			
Current Status:	e.g. Under Investigation, ABA, ASBO, Undergoing Mediation, Case Closed – Resolved, Case Closed –Unresolved, Referred to LA	Effective Date:	Should be date of first complaint of ASB
Date of Birth:		Ethnicity	
P.O.A:		Language:	

This is a support needs assessment form used by Bield to confirm your existing support needs and identify if there are any additional support needs which you require. This information may be shared with third party organisations such as Local Authority, NHS Providers, Social Work agencies and other support agencies to enable Bield to ensure that you receive the support required to sustain your tenancy within the terms and conditions of your tenancy agreement.

This information is being gathered for the following purposes:

- *To confirm/establish existing housing support package(s) in place for you*
- *To help understand your circumstances and identify any signposting requirements to other support agencies such as NHS Providers, Social Work, Signpost, Dementia Scotland, etc*
- *To assist Bield in identifying potential solutions in dealing with complaint(s) of anti-social behaviour*

Declaration

- I am aware that the information I have given on this form will be used by Bield (the “Data Controllers” in terms of the Data Protection Act 1998) to verify and/or identify my housing support needs. You may pass the information to other agencies, such as the Local Authority, NHS Providers, Police, Social Work and Dementia Scotland, to ensure that my housing support needs are efficiently dealt with. I understand that the information I have provided will be used for these purposes.
- I give permission for Bield to make any tenancy, financial and support agency enquiries considered necessary to the Local Authority, NHS Providers, Social Work agencies or local support agencies.
- I have a right to ask for a copy of the information held on this support needs assessment Bield hold about me. I also have the right to have any inaccuracies in the information corrected.

Do you understand correspondence sent to you? Yes No



How is this anti-social behaviour affecting you?

Do you have any current health concerns / conditions? Yes No

Do you receive assistance from any support agency? Yes No

Are you managing with the day-to-day tasks in your tenancy? Yes No

Do you have any family support? Yes No

Is there anything Bield can do to further support you? Yes No
(For example: Tenancy Sustainment; Advocacy Services; etc)

Responder Signature: _____ Date: _____

Employee Signature: _____ Date: _____

**REPORTER SUPPORT NEEDS ASSESSMENT FORM
ANTI SOCIAL BEHAVIOUR**

Name:			
Address:			
Tel No:			
Current Status:	e.g. Under Investigation, ABA, ASBO, Undergoing Mediation, Case Closed – Resolved, Case Closed –Unresolved, Referred to LA	Effective Date:	Should be date of first complaint of ASB
Date of Birth:		Ethnicity	
P.O.A:		Language:	

This is a support needs assessment form used by Bield to confirm your existing support needs and identify if there are any additional support needs which you require. This information may be shared with third party organisations such as Local Authority, NHS Providers, Social Work agencies and other support agencies to enable Bield to ensure that you receive the support required to sustain your tenancy within the terms and conditions of your tenancy agreement.

This information is being gathered for the following purposes:

- *To confirm/establish existing housing support package(s) in place for you*
- *To help understand your circumstances and identify any signposting requirements to other support agencies such as NHS Providers, Social Work, Signpost, Dementia Scotland, etc*
- *To assist Bield in identifying potential solutions in dealing with complaint(s) of anti-social behaviour*

Declaration

- I am aware that the information I have given on this form will be used by Bield (the “Data Controllers” in terms of the Data Protection Act 1998) to verify and/or identify my housing support needs. You may pass the information to other agencies, such as the Local Authority, NHS Providers, Police, Social Work and Dementia Scotland, to ensure that my housing support needs are efficiently dealt with. I understand that the information I have provided will be used for these purposes.
- I give permission for Bield to make any tenancy, financial and support agency enquiries considered necessary to the Local Authority, NHS Providers, Social Work agencies or local support agencies.
- I have a right to ask for a copy of the information held on this support needs assessment Bield hold about me. I also have the right to have any inaccuracies in the information corrected.

Do you understand correspondence sent to you?

Yes

No



How is this anti-social behaviour affecting you?

Do you have any current health concerns / conditions? Yes No

Do you receive assistance from any support agency? Yes No

Are you managing with the day-to-day tasks in your tenancy? Yes No

Do you have any family support? Yes No

Is there anything Bield can do to further support you? Yes No
(For example: Tenancy Sustainment; Advocacy Services; etc)

Reporter Signature: _____ Date: _____

Employee Signature: _____ Date: _____

**PECIFIC RISK ASSESSMENT FOR
AGGRESSIVE OR VIOLENT BEHAVIOUR (For the use of Housing Services Only)**

Name of Assailant (If Known):		Address of Assailant (If known):			
Was the assailant? (please circle)	A Tenant	A Client	A Visitor	A Contractor	An Other
Step 1: What aggressive or violent behaviour was shown by the assailant – (Please give a brief background to the incident below)		(Please tick all that apply)			
		Verbal Abuse			
		Verbal Threat			
		Harassment including sexual/racial			
		Threat or use of a weapon or implement:			
Step 2: Who may be harmed by the assailant by their aggressive or violent behaviour – (Please give brief details why others may be harmed)		(Please tick all that apply)			
		Staff			
		Other service users			
		Visitors			
Contractors					
Step 3: What measures have been agreed with line management to control the risk from the assailant and the harm to others highlighted above.					
Step 4: What follow up measures were further agreed with line management to control the risk from the assailant and the harm to others highlighted above.					
Name of Assessor and Job Title:		Date:			
Name and Job Title of Line Manager agreeing above control measures:		Date:			
Assessment Review Date:		Name:			
Assessment Review Date:		Name:			

On completing the risk assessment the local manager must ensure that all staff are informed of the findings of the risk assessment and in particular the control measures that have been agreed to minimise the harm and risk from the assailant

4.9.3 RISK ASSESSMENT

Name:	Date:
Risk:	
Reason for Risk:	
Discussion with resident (and family if required):	

Risk Scale * See over

Low	Medium	High
------------	---------------	-------------

Short Term Action
Medium Term Action
Long Term Action

Outcome

Review Date:	Signature:	Review Date:	Sign:
Review Date:	Signature:	Review Date:	Sign:
Review Date:	Signature:	Review Date:	Sign:
Review Date:	Signature:	Review Date:	Sign:

Signature of Assessor:	Date:
Signature of Service User:	

Copy given to Service User over)

(see

4.9.3

Risk Assessment – Procedure Note

Although usually carried out by a manager, any staff member can do a risk assessment. Indeed, good practice would involve the participation of staff within the procedure. The purpose of risk assessment is two-fold: first to identify the risk and second to determine the measures required to reduce or eliminate the risk.

Process:

- Step 1:** Look for the risks.
- Step 2:** Decide who may be harmed and how.
- Step 3:** Evaluate the level of risk as high, medium or low.
- Step 4:** Identify the measures taken to reduce or eliminate the risks(s)
- Step 5:** Review and assess the effectiveness of the measures taken.

RISK SCALE DEFINED	
1. Guidance Required	1 – 2 Low Risk
2. Guidance and Verbal Inst. Required	2 – 4 Moderate Risk
3. Minimum Assistance Required	5 High Risk
4. Supervision Required	
5. Total Assistance Required	

STRICTLY CONFIDENTIAL



BIELD HOUSING & CARE

VIOLENT INCIDENT REPORT

If you are involved in a violent incident, please record what happened on this form as soon as possible.

Violence is any incident in which an employee is abused, threatened or assaulted in circumstances arising out of the course of his or her employment.

SECTION 1

Date of Incident:

Day of Week:

Time of Incident:

Location of Incident:

SECTION 2 – COMPLAINANT

Location where member of staff normally works:

Name:

Address:

Sex:

Age:

Job Title:

SECTION 3: ASSAILANT - IF KNOWN

Name:

Address:

Age:

Status:

tenant

client

visitor

contractor

other

owner

Please tick

If tenant has been medically diagnosed as suffering from dementia or other mental health problem.

SECTION 4 – WITNESSES

Name of Witnesses to the Incident:

Details of each person’s status eg employed/client etc:

SECTION 5 - WHAT HAPPENED?

Please tick and then briefly describe in the sections below those elements of violent behaviour which occurred in the incident.

1. Verbal abuse

2. Harassment, including sexual/racial

3. Verbal threat

4. Threat or use of weapon or implement

5. *Physical violence

*An Employee Accident Form also requires to be completed.

please tick if submitted

Please describe ‘*what was happening*’ before the violent incident:

Please describe the incident, explaining the elements of abuse, and give details of any injuries sustained and how the incident ended: *(use another sheet of paper is necessary)*

What action if any was taken to de-escalate the situation?

Appendix 14

Were the police called or any outside assistance requested? NO YES
If so give details:-

Was medical treatment or first aid required by anyone? YES NO

If so, give details:

Signature of Staff Member involved in violent incident:

Name of Person completing the form:
(if not complainant) (*please print*)

Designation:

Date:

Date forwarded to Line Manager:

SECTION 6 - THIS SECTION TO BE COMPLETED BY LINE MANAGER

Has debriefing/support meeting taken place with staff member? NO YES

Please comment on:

1. Action taken at time of incident:
2. Action to be taken to prevent re-occurrence:
3. Any further support required for member of staff:

Line Manager's Signature:

Date:

**Please return form once completed in an envelope marked 'Strictly Confidential' to Service Manager or Housing Officer at Bield Housing Association Ltd.
The Service Manager/Housing should then pass the form to the Director of Human Resources.**

VIOLENT INCIDENT REPORT

INVESTIGATION OUTCOMES

(To be completed by the Director of Human Resources)

Date Received:

Reported through RIDDOR
(if appropriate)

Date:

Comments on Line Manager's Recommendations:

Reported to: H & SMG

Date:

H & SC

Date:

Agreed Further Action:

Training Input

Review of Staffing

Staff Counselling

Review of Physical Layout

Tenant Case Review

Other

Detail Action:

By Whom:

By When:

Signed:

Date:

Appendix 15

Our Ref: TH/ASB- Ten Ref No:

7 June 2016

Mr A S Smith
1 The Court
Anytown

Dear Mr Smith

Meeting – 7 June 2016

Further to my meeting with you today, please find below a summary of our discussion.

You were informed that your neighbours had complained regarding the level of noise from your television during the night. We discussed this and you agreed that you found it difficult to sleep and like to watch TV when this happened. You informed me that you had poor hearing and needed the sound up very loud. We agreed that this was disturbing your neighbours and that you should look to purchase ear phones to enable you to continue to listen to your TV without disturbing your neighbours.

During my visit we also discussed the cleanliness of your property as this has been raised as a concern by another professional. You agreed to complete a Support Needs Assessment and you confirmed that you were finding it difficult to maintain your tenancy. We further agreed that a referral would be made to our Tenancy Sustainment Officer, who would arrange to visit with you and discuss how this would be taken forward.

Yours sincerely

Housing Officer
I

Appendix 15

Our Ref: TH/ASB- Ten Ref No:

7 June 2016

Mr J Brown
2 The Court
Anytown

Dear Mr Brown

Noise Complaint – 4 June 2016

Further to my meeting with you on 4 June 2016 to discuss your complaint regarding noise from your neighbour during the night.

I can confirm that this has now been discussed with your neighbour and we would hope that following this discussion that this will improve the situation.

If there are any future incidents please report these to the local manager and we will investigate this matter further.

Yours sincerely

Housing Officer

Appendix 15

Our Ref: ASB-Ten Ref

10 November 2018

Mrs J White
14 Any Court
Anytown

Dear Mrs White

Allegation of ASB against Mr Black, 22 Any Court, Anytown

Further to my visit with you on 7 November, I can confirm that we have now discussed the concerns that you have raised in relation to the behaviour of your neighbour.

I can confirm that we have advised Mr Black that this behaviour is unacceptable and we would hope that following this visit that the situation will improve.

If you experience any other issues relating to this, we would be grateful if you would let us know as soon as possible, so that this can be dealt with.

Yours sincerely

Housing Officer

Appendix 15

Our Ref: ASB-Ten Ref

10 November 2018

Mrs J Green
16 Any Court
Anytown

Dear Mrs Green

Allegation of ASB against Mrs White, 8 Any Court, Anytown

Further to my most recent visit with you on 8 November, I would now provide you with a written outcome, as agreed, regarding your complaint of noise nuisance from your upstairs neighbour.

You described the noise as persistent banging and from the diary you have kept this was identified as occurring during the night, when you went to bed and stopped when you arose. You also alleged that your neighbour was exhibiting harassing behaviour by starting this noise when you returned to your flat during the day.

The action we have taken to investigate this is:

- BR24 were asked to listen to any call from your flat to establish if they could hear/record the noise
- Police were contacted who had attended several call outs by you relating to the noise
- Staff have visited the property during the day when you indicated you heard the noise and were unable to corroborate this
- The upstairs neighbour has denied any allegations you have made and has been accommodating in allowing us to inspect her property to ensure there were no issues with flooring
- On several occasions you have diaried that the noise was particularly bad and persistent your neighbour was not at home.

I understand that this may not be the outcome you would have hoped for, however, we have taken all possible measures to investigate this noise issue and can, at this time, find no evidence to corroborate your allegations.

We have agreed, following completion of a Support Needs Assessment, that you would accept a referral to our Tenancy Sustainment Officer and that you will now take medication prescribed from your doctor for your anxiety regarding this situation.

If you experience any other issues relating to this, please contact the local manager.

Yours sincerely

Housing Officer

Appendix 15

Our Ref: TH/ASB- Ten Ref No:

11 August 2016

Mr A S Smith
1 The Court
Anytown

Dear Mr Smith

Meeting – 10 August

Further to the visit carried out by our Tenancy Sustainment Officer a 10 August 2016, and myself, I confirm a record of our discussion.

We had visited due to concerns about the condition of your flat and your failure to engage with the support put in place to keep it to a reasonable standard.

Our visit confirmed that your flat was in a very poor, untidy and unhygienic state. It was noted that fruit flies were present and that there was evidence of human faeces in the corridor and living area. This unhygienic situation is resulting in your neighbours and visitors to the development making complaints to the local manager regarding the unpleasant odour in the corridor.

Section 5.16 of your tenancy agreement outlines your responsibilities.

5.16 You are responsible for taking reasonable care of the house. This responsibility includes carrying out minor repairs and internal decoration. It also includes keeping the house in a reasonable state of cleanliness. However, you are not responsible for carrying out repairs which are due to fair wear and tear.

You have agreed to arrange and pay for a deep clean of your property on 15 August 2016. I will arrange to visit you following this date to confirm that this has taken place. I must emphasise the importance of accepting support provided in order to manage your tenancy, continued failure to do so may impact on your tenancy.

Should you have any questions regarding the content of this letter, please do not hesitate to contact me.

Yours sincerely,

Housing Officer

Appendix 15

Our Ref: TH/ASB – ten ref

20 November 2017

Mrs A Jones
52 Any Court
Anytown

Dear Miss Jones

Police incident on 15th November 2017

I am writing further to my visit to you on Wednesday 15th November and the alleged physical assault made by you on your neighbour. Police also visited you on that day regarding this incident.

I have been in contact with the police who attended and I am advised that they are considering how to proceed following this incident. In considering the very serious nature of this allegation, previous letters sent to you and other issues I must advise that Bield are now seeking to progress legal action against you .

I must also make it clear that you are in breach of your tenancy agreement under the following sections

3.1 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.

3.2 '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.

3.3 In particular, you, those living with you, and your visitors must not:

Make excessive noise. This includes, but is not limited to, the use of televisions, hi-fi's, radios and musical instruments and DIY tools.

Appendix 15

- Fail to control your pets properly or allow them to foul or cause damage to other people's property.
- Allow visitors to your house to be noisy or disruptive.
- Use your house, or allow it to be used, for illegal or immoral purposes.
- Vandalise or damage our property or any part of the common parts or neighbourhood.
- Smoke within any communal area within the development including the communal lounge.
- Leave or dump rubbish in unauthorised places.
- Allow your children to cause nuisance or annoyance to other people by failing to exercise reasonable control over them.
- Threaten, harass or assault any person in the house or neighbourhood, or assault any person including a Bield Housing & Care employee or agent, or contractor for whatever reason. This includes that person's race, colour or ethnic origin, nationality, gender, sexuality, disability, age, religion or other belief, or other status.
- Use or carry offensive weapons.
- Use or sell unlawful drugs or sell alcohol

I will contact you again when the police have confirmed how they intend to proceed following the assault allegations made against you.

Yours sincerely,

Housing Officer

Appendix 15

Our Ref: ASB-Ten Ref

Date: 20 April 2018

Mr I Black
22 The Court
Anytown

Dear Mr Black

Complaints against your tenancy

Further to my letter of 7 April 2018, I have been in contact with Our Council's Anti Social Behaviour Team with regard to ongoing complaints they are receiving in relation to your behaviour at your tenancy.

Their ASB Officer and a Police Officer will be visiting you to advise you that they have applied for an Anti Social Behaviour Order against you.

Based on this information I am now issuing you with a FINAL WRITTEN WARNING with regard to your behaviour as you are in breach of your tenancy agreement under section 3:

3. Respect for Others:

3.1 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.

3.2 '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.

3.3 In particular, you, those living with you, and your visitors must not:
Allow visitors to your house to be noisy or disruptive.

I also visited you on 12 April 2018 with an Officer from Social Work with a view to helping you and Mrs Black, I am pleased to hear that additional support is now in place.

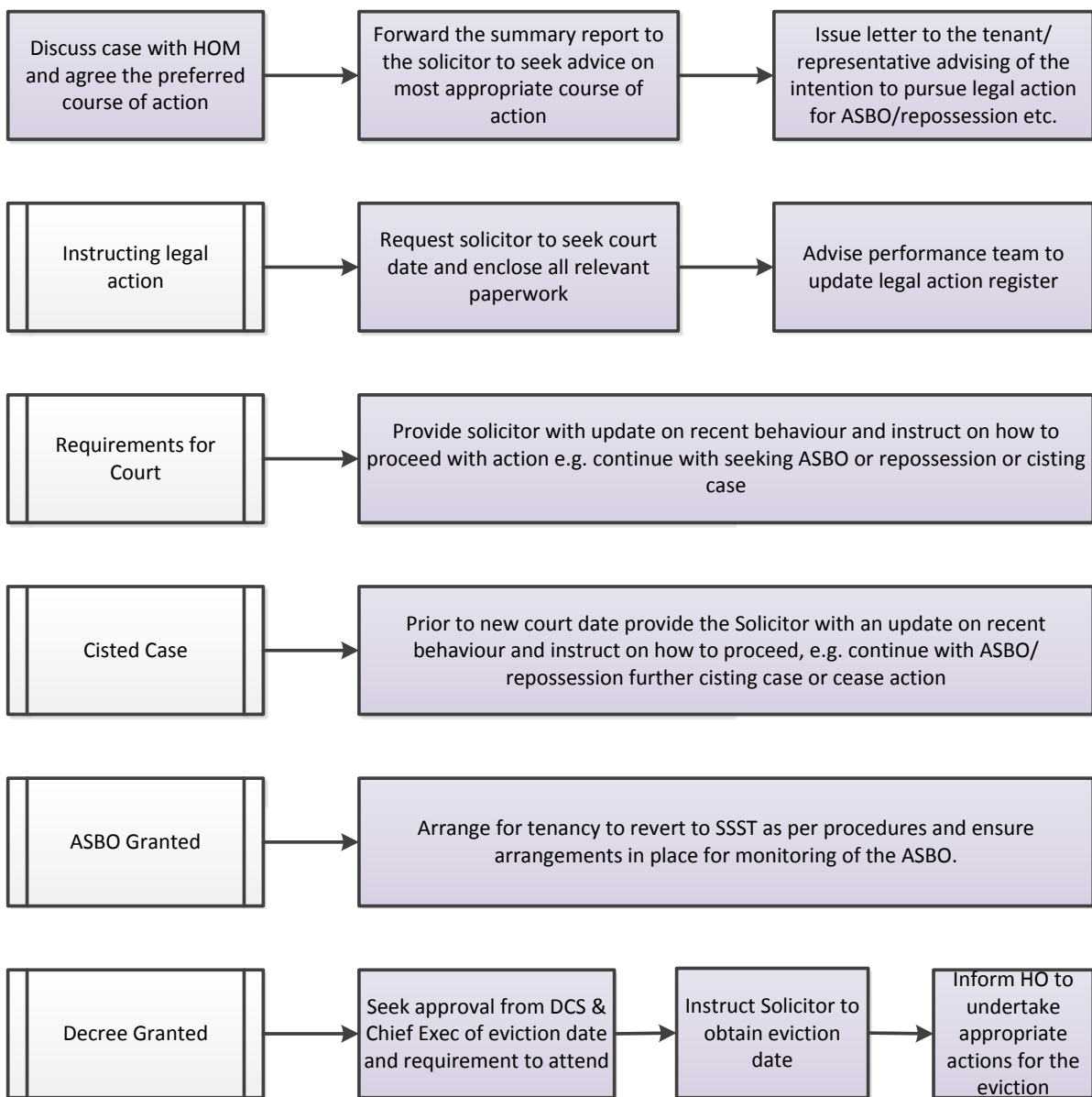
Should you have a queries regarding the information above please do not hesitate to contact either myself on 0131 273 4000.

Yours sincerely

Housing Officer

Direct Dial:

Implementing Legal Action



HOUSING (SCOTLAND) ACT 2001 – SECTION 14

**NOTICE OF PROCEEDINGS FOR RECOVERY OF POSSESSION (IN
CASES WHERE GROUNDS DO NOT INCLUDE RENT ARREARS)**

This notice is to inform you, [REDACTED] (*tenant*), that Bield Housing and Care being the landlord of the dwelling house at [REDACTED] may, at any time during the period of 6 months beginning on 16 February 2016, (see Guidance Notes), raise proceedings for possession of that dwelling house on the following ground(s):

Ground 1:

Rent lawfully due from the tenant has not been paid, or any other obligation of the tenancy has been broken.

Ground 7:

(1)The tenant (or any one of joint tenants), a person residing or lodging in the house with, or any subtenant of, the tenant, or a person visiting the house has—

(a) acted in an anti-social manner in relation to a person residing in, visiting or otherwise engaged in lawful activity in the locality, or

(b) pursued a course of conduct amounting to harassment of such a person, or a course of conduct which is otherwise anti-social conduct in relation to such a person, and it is not reasonable in all the circumstances that the landlord should be required to make other accommodation available to the tenant.

(2)In sub-paragraph (1)—

“anti-social”, in relation to an action or course of conduct, means causing or likely to cause alarm, distress, nuisance or annoyance,

“conduct” includes speech, and a course of conduct must involve conduct on at least two occasions, “harassment” is to be construed in accordance with section 8 of the Protection from Harassment Act 1997 (c.40).

which are deemed to fall within the terms of paragraph(s) 1 and 7 (see Guidance Notes) of Part 1 of schedule 2 to the Housing (Scotland) Act 2001.

We also inform you that we are seeking possession under the above ground(s) for the following reasons:

When you signed your tenancy agreement, you undertook in terms of Clause 3.1 that you, those living with you and visitors to your property would not harass or act in an anti-social manner or pursue a course of anti-social conduct against any person in the neighbourhood including residents, visitors, Association employees, agents and contractors. In addition to this, you undertook in terms of Clause 3.3 that you, together with those living with you or visitors to your property would not create excessive noise and would not harass or assault any person in the house or neighbourhood.

Appendix 17

Since on or around July 2013, you have repeatedly conducted yourself in an aggressive and anti-social within supported accommodation owned by Bield Housing and located within [REDACTED]. On several occasions, you have been verbally abusive to staff of Bield Housing and Care whilst under the influence of alcohol, with the latest instance on 19 November 2015.

In addition to this, on 15 June 2015, you were verbally abusive towards staff of Bield Housing and Care. Thereafter, you proceeded to sit in the middle of the road pertaining to [REDACTED]. Police Officers were required to attend and you were subsequently arrested.

Despite staff of Bield Housing and Care writing to remind you of your tenancy conditions on 8 August 2013, 25 November 2014, and 16 June 2015, you continue to conduct yourself in an anti-social manner. Bield Housing and Care have also arranged meetings with you and referred you to Community Alcohol and Drugs support services with a view to sustaining your tenancy, however, you have not engaged in a meaningful way to address your anti-social behaviour.

You are accordingly in breach of Clause 3.1 and 3.3 of your tenancy agreement, and Bield Housing and Care are entitled to seek an order for recovery of possession of your property under the provisions of section 16 of the Housing (Scotland) Act 2001 in terms of ground 1, part 1 of schedule 2 of that act.

By repeatedly conducting yourself in a threatening and abusive manner, Bield Housing and Care are entitled to seek an order for recovery of possession of your property under the provisions of section 16 of the Housing (Scotland) Act 2001 in terms of ground 7, part 1 of schedule 2 of that act.

Signed:

Date:

GUIDANCE NOTES

This notice is a warning that the landlord may raise proceedings in the sheriff court to gain possession of the house you live in. It is not a notice to quit and it does not affect your right to continue living in the house or obligations to pay rent. You cannot be evicted from your house unless the sheriff grants a possession order.

These Notes are intended for guidance only. If you are at all uncertain about what this notice means or if you are unsure of your rights you should get advice as quickly as possible. You may be able to get this from your landlord, from your local Housing Advice Centre (which is independent of your landlord), a Citizens Advice Bureau, or from a solicitor. If you need to employ a solicitor, legal aid may be available depending on your income.

The date given in the notice is the earliest date on which the landlord can start court action for possession. After that date the landlord is allowed to start court action at any time during the following 6 months. If the landlord does not start court action in that 6 month period they would have to serve another one of these notices on you before they could start court action. The law sets out the grounds on which the sheriff may order recovery of possession of your house. The landlord has explained in the notice the reason or reasons why they are considering taking court action and which paragraph(s) of Part 1 of schedule 2 to the Housing (Scotland) Act 2001 applies/apply.

Text for all notices to a tenant:

Your landlord will serve a notice on any qualifying occupiers who live with you. A qualifying occupier is a person who is 16 years old or more and occupies your house as their only or main home. This can be a lodger or someone you have assigned, sublet or given up the house or part of it to, with the landlord's consent. The qualifying occupier can be party to any court action for possession by applying to the sheriff court. This allows the sheriff to consider a qualifying occupier's rights and the consequences of repossession for them.

Text for all notices on grounds 1 to 7:

If the landlord does take court action for possession, the sheriff will be concerned with whether the facts of the case are correct and, if so, whether it is reasonable that you should be evicted. In deciding whether it is reasonable, the sheriff must take into account all the circumstances of the case. The sheriff must also take into account the specific criteria set out in section 16 of the Housing (Scotland) Act 2001, which are broadly as follows:

Text for grounds 1 and 3 to 7: the nature, frequency and duration of the conduct leading to the eviction proceedings;

Text for ground 2: the nature, frequency and duration of the conduct for which the tenant, a person residing or lodging with them or a subtenant was convicted;
how far the tenant was personally responsible for the conduct leading to the eviction proceedings or whether it was the consequence of acts or omissions by others;
the effect of the conduct on others, for example, whether there are serious adverse consequences for other local residents; and
whether the landlord has considered and, if appropriate tried, other courses of action to stop the conduct before opting for eviction.

The sheriff may decide not to grant a possession order, or may delay the decision or impose conditions which must be complied with. If a possession order is granted, the landlord will be able to evict you. If the landlord evicts you, it will not be under any obligation to re-house you. You should not assume that you will be entitled to be re-housed by the landlord or a local authority.

Antisocial Behaviour Order (ASBO)

Anyone over the age of 10 can be given an ASBO if they behave antisocially.

Behaving antisocially includes:

- drunken or threatening behaviour
- vandalism and graffiti
- playing loud music at night

Getting an ASBO means you won't be allowed to do certain things, such as:

- going to a particular place, eg your local town centre
- spending time with people who are known as trouble-makers
- drinking in the street

An ASBO will last for at least 2 years. It could be reviewed if your behaviour improves.

Penalties for not obeying your ASBO

Breaking or 'breaching' the ASBO is a criminal offence and you can be taken to court. The sentence you get will depend on the circumstances and your age.

Young offenders

You can be fined up to £250 (if you're aged 10 to 14) or up to £1,000 (if you're aged 15 to 17). The fine may have to be paid by your parents if you're under 16. You might also get a community sentence or, if you're over 12, a detention and training order (DTO) for up to 24 months.

Adult offenders

You can be fined up to £5,000 or sentenced to 5 years in prison, or both.



Police.UK

When should I use 101?

You should call 101 to report crime and other concerns that do not require an emergency response. For example, if:

- Your car has been stolen
- Your property has been damaged
- You suspect drug use or dealing in your neighbourhood

Or to:

- Report a minor traffic collision
- Give the police information about crime in your area
- Speak to the police about a general enquiry

You should always call 999 when it is an emergency, such as when a crime is in progress, someone suspected of a crime is nearby, when there is danger to life or when violence is being used or threatened.

Who will answer my 101 call?

When you call 101, the system will determine your location and connect you to the police force covering that area. You will hear a recorded message announcing the police force you are being connected to. The recorded message will then give you a choice of which force to be connected to.

Calls to 101 are answered by police officers and staff in the control room of the local police force. This ensures that staff with local knowledge can answer and deal with the calls and respond appropriately.

I am deaf, hard of hearing or speech impaired, can I use 101?

Yes, you can textphone 18001 101.

In an emergency always dial 999

If you've been mugged, badly hurt, or attacked in any way, or if you've just seen a serious crime being committed, then you should ring 999 as soon as possible.

Your call should be answered within ten seconds. A trained staff member will ask you to describe what has happened and where you are. They may ask if you need any other emergency services, such as an ambulance.

If the situation is an emergency, a police officer will come to the scene to talk to you. They'll ask you to explain what happened, and they can help you decide what to do next.

Anti-social behaviour covers a wide range of unacceptable activity that causes harm to an individual, to their community or to their environment. This could be an action by someone else that leaves you feeling alarmed, harassed or distressed. It also includes fear of crime or concern for public safety, public disorder or public nuisance.

- Examples of anti-social behaviour include:
- Nuisance, rowdy or inconsiderate neighbours
- Vandalism, graffiti and fly-posting
- Street drinking
- Environmental damage including littering, dumping of rubbish and abandonment of cars
- Prostitution related activity
- Begging and vagrancy
- Fireworks misuse
- Inconsiderate or inappropriate use of vehicles

The police, local authorities and other community safety partner agencies, such as Fire & Rescue and social housing landlords, all have a responsibility to deal with anti-social behaviour and to help people who are suffering from it.

If you are experiencing problems with anti-social behaviour, or have any concerns about it, or other community safety issues, you should contact your local council or call the non-emergency number, 101. In an emergency, call 999.

Information taken from Police.Uk Website