



Title	Anti-Social Behaviour (ASB) Policy						
Purpose	<p>Maryhill Housing Association (MHA) is committed to ensuring that everyone has the right live peacefully in their home without suffering undue disturbance or nuisance from others.</p> <p>The purpose of this policy is to set out the principles and standards that we aim to follow in our management of ASB.</p> <p>The Association will comply with relevant legislation and adopt the principles and practices detailed in the Scottish Social Housing Charter.</p>						
Scope	<p>The Board has responsibility for monitoring the management of ASB.</p> <p>The Senior Management Team has responsibility for approving the ASB Policy.</p> <p>The Director of Operations holds the lead responsibility for this policy with responsibility for implementation delegated to the Head of Neighbourhoods & Communities.</p> <p>This policy applies to all Board and Committee members, members of staff whether employees of MHA, freelance, casual, or temporary agency staff, irrespective of grade, position, or length of service. All are responsible for the management and or monitoring of ASB.</p>						
Definitions	<p>For the purposes of this Policy, unless otherwise stated, the following definitions shall apply:</p> <p>The Policy applies to the management of property owned by the Association and subject to a Scottish Secure Tenancy, a Short Scottish Secure Tenancy, a Shared Ownership Occupancy Agreement, Lock up Agreement, Private Rented Sector Tenancy, Mid Market Rent or Lease.</p> <p>Table 1: When Maryhill Housing can act if ASB is taking place</p> <table border="1" data-bbox="410 1778 1383 2069"> <thead> <tr> <th data-bbox="410 1778 759 1888">Tenancy/Contract Type with Maryhill Housing</th> <th data-bbox="762 1778 970 1888">Jurisdiction</th> <th data-bbox="973 1778 1383 1888">Action to be taken</th> </tr> </thead> <tbody> <tr> <td data-bbox="410 1892 759 2069">Social Housing – (Scottish Secure Tenancy and Short Scottish Secure Tenancy</td> <td data-bbox="762 1892 970 2069">Yes</td> <td data-bbox="973 1892 1383 2069">MHA will investigate and attempt to obtain resolution to the complaint. Where resolution cannot be achieved, we will where</td> </tr> </tbody> </table>	Tenancy/Contract Type with Maryhill Housing	Jurisdiction	Action to be taken	Social Housing – (Scottish Secure Tenancy and Short Scottish Secure Tenancy	Yes	MHA will investigate and attempt to obtain resolution to the complaint. Where resolution cannot be achieved, we will where
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Social Housing – (Scottish Secure Tenancy and Short Scottish Secure Tenancy	Yes	MHA will investigate and attempt to obtain resolution to the complaint. Where resolution cannot be achieved, we will where					

			possible initiate legal action to end a tenancy at the Sheriff Court.
	Mid Market Rent – via Private Residential Tenancy Agreement	Yes	MHA will investigate and attempt to obtain resolution to the complaint. Where resolution cannot be achieved, we will where possible initiate legal action to end a tenancy by obtaining eviction order from the First-tier tribunal for Scotland and Property Chamber.
	Shared Ownership	No	MHA will undertake initial investigation of the issues if there is a tenant or mid market tenant involved. However, we cannot take any action on a shared owner. MHA will work in partnership with Glasgow City Council and Police Scotland in attempts to resolve the situation.
	Factored Owners	No	MHA will undertake initial investigation of the issues if there is a tenant or mid market tenant involved. However, we cannot take any action on a factored owner. MHA will work in partnership with Glasgow City Council and Police Scotland in attempts to resolve the situation.
	Owner Occupiers	No	MHA will undertake initial investigation of the issues if there is a tenant or mid market tenant involved. However, we cannot take any action on an owner occupier. MHA will work in partnership with Glasgow City Council and Police Scotland in attempts to resolve the situation.
<p>Anti-Social Behaviour (ASB)</p> <p>ASB covers a wide range of actions and behaviours, and is defined in the Anti-social Behaviour etc. (Scotland) Act 2004 as follows:</p>			

	<p>A person engages in ASB if he/she:</p> <ul style="list-style-type: none"> • Acts in a manner that causes or is likely to cause alarm distress, nuisance, or annoyance; or • Pursues a course of conduct that causes or is likely to cause alarm, distress, nuisance, or annoyance to at least one person residing in or visiting/engaging in lawful activity at or in the locality of a relevant house. ‘Conduct’ includes speech, and a ‘course of conduct’ must involve conduct on at least two occasions. <p>There are different types of ASB and neighbour nuisance. The Association distinguishes between the severity and impact of different kinds of behaviour.</p> <p>Categories of unsatisfactory behaviour</p> <p>We will adopt three categories to reflect this, each with a timescale in which the Association will respond.</p> <p>Resolution times</p> <p>In line with the Scottish Social Housing Charter the Association will monitor the time taken and report on the time taken to resolve ASB complaints. A matter will be considered “resolved”:</p> <ul style="list-style-type: none"> • where the Association has taken the appropriate measures as set out in its ASB policies and procedures, e.g., issuing a warning or commencing legal action, to address the cause of the ASB complaint; or • where the complaint cannot be corroborated, and the Association is unable to pursue any further action; or • where the Association does not have the authority or powers to resolve the ASB it has provided a full explanation of the landlords’ position and, where possible, offered potential solutions to resolve the matter. <p>The Association will also monitor the time taken to resolve complaints of ASB against target times which have been agreed with residents.</p> <p>The Association will also monitor the time taken to resolve complaints from Mid Market Rent properties in line with this policy.</p> <p>The categories of unsatisfactory behavior and resolution times are listed at Appendix A.</p>
<p>Policy Statement</p>	<p>We recognize the detrimental impact ASB can have on both individuals and the community and fully support the view that tenants and customers have the right to live free from harassment.</p> <p>Tenants also have a responsibility for making sure they keep to the terms of their tenancy agreements, to treat others with respect and to be good neighbours. They have a right to complain about neighbour</p>

nuisance and ASB and to expect that their complaint/s will receive attention.

We will deal with any form of harassment motivated by prejudice or discrimination under our ASB Policy.

We will take robust and early action to tackle ASB and harassment caused by the behaviour of tenants and other household members or their visitors.

We recognise that the Association will rarely work alone in dealing with ASB and will not usually be solely responsible for resolving it. We aim to work in partnership with different agencies which also have responsibility including support agencies, Community Safety Glasgow, Police Scotland, and Glasgow City Council.

We will engage in collaborative working with other agencies to deter or prevent ASB and to work with perpetrators where possible to support them in addressing their behaviour. This can include working with a range of support agencies who can work with a perpetrator to address their behaviour and sustain their tenancy or local youth projects to introduce diversionary programs where the main issues are being caused by children and youths.

We recognise that early intervention and prevention is a key tool in challenging ASB and will develop processes that support this view in our allocation, estate management and ASB policies and procedures.

We will place victims and witnesses at the heart of our procedures and will use the powers, orders, and mechanisms available to us to deal with ASB.

We will engage with our customers and use best practice from inside and outside of the sector to ensure we continually improve our approach to the management of ASB.

We will monitor and review incidents for trends and targeted intervention.

We will develop area-based approaches and strategies where ASB is occurring in specific parts of the Association's stock.

We will seek customer feedback on how ASB is being managed and will use this feedback to help shape future service provision.

We will actively promote our ASB policy through our social media platforms, newsletters etc. and will provide information to customers on how we have performed in managing ASB.

It is acknowledged that the Association has limited powers to intervene or act against anti-social owner occupiers and will therefore work with other agencies, e.g., Community Safety Glasgow, Police

	<p>Scotland, and Glasgow City Council to manage and resolve issues of ASB and neighbour nuisance.</p> <p>Appendix B sets out how these principles will be applied in practice to ensure effective management of ASB.</p> <p>Legal and Good Practice Requirements:</p> <p>This policy is compliant with the following legislation and good practice guidance:</p> <ul style="list-style-type: none"> • Housing (Scotland) Act 2001, 2010 & 2014 • Housing (Scotland) Act 1988 (shared ownership) • Human Rights Act 1998 • Equality Act 2010 • Scottish Social Housing Charter • Antisocial Behaviour etc. (Scotland) Act 2004 • Children (Scotland) Act 1995 • Scottish Government MMR guidance, including MHDGN 2020/02 updated October 2020 • The Private Housing (Tenancies) (Scotland) Act 2016 • The Letting Agents Code of Practice (Scotland) Regulations 2016 • Tenancy Deposit Schemes (Scotland) Regulations 2011 • The First-tier Tribunal for Scotland (Housing and Property Chamber) (formerly the Private Rented Housing Panel) • Chartered Institute of Housing
Approval	Senior Management Team – April 2022
Policy Owner	Head of Neighbourhoods & Communities Responsible Director: Director of Operations
Review	<p>August 2025</p> <p>This Policy may also be reviewed in light of legislation, good practice, or internal structural and process change.</p>

Appendix A: Categories of Anti-Social Behaviour (ASB) and Response Times

Category A – Antisocial Behaviour (ASB)

Response – 1 working day

Resolution – 5 working days

Complaints classed as Category A must be treated as priority and investigations commence as soon as the complaint is received at the office. Initial enquiries should be carried out to establish the facts of the case and should be completed as far as possible within 1 working day, Contact should be made with any external bodies that are required to be involved, e.g. Police Scotland, Social Work, Glasgow City Council etc, within 2 working days of the complaint being reported.

Category A complaints will usually require some police involvement and are of a very serious nature, such as:

- Violence or aggression
- Drug dealing including cultivation of drugs in the home
- Threatening behaviour
- Harassment of any kind
- Racism
- Sectarianism
- Illegal or immoral use of property
- Category B behavior which is persistent but has not improved despite warnings from the Association or Police
- Threats to, or attacks on, Association staff or representatives

Although not necessarily included in the legal definition of ASB, we will also respond within 1 working day to reports involving child protection or issues such as domestic abuse which will be managed in line with our Domestic Abuse Policy and Procedures. This will generally mean the Association involving another service such as Social Work.

Category B - Antisocial Behaviour (ASB)

Response – 3 working days

Resolution – 10 working days

Category B complaints should be acknowledged with the complainant and initial investigations and interviews carried out within 3 working days of the complaint being received at the office.

Category B ASB complaints are those which are less serious but persistent in nature such as:

- Persistent noise nuisance
- Persistently failing to control pets
- Frequent disturbances
- Vandalism and damage to the Associations' property/common areas
- Verbal abuse
- Persistently failing to control children within the household
- Persistently failing to control visitors to the property

Category C – Neighbour nuisance

Response – 5 working days

Resolution – 15 working days

Category C complaints should be acknowledged, and relevant parties interviewed to establish the facts of the case within 5 working days of the complaint being made.

Category C complaints cover less serious types of behaviour that is clearly a breach of the tenancy agreement but is of a relatively minor nature and is a cause of 'neighbour nuisance'. Examples include:

- When neighbours cannot agree on tenancy issues such as bin collection, car parking or stair cleaning
- The behavior of visitors or children in or around the property
- Where the condition of someone's home is causing concern
- Untidy gardens
- Parking in unauthorised areas
- Occasional noise nuisance
- Rubbish dumping
- Pet fouling
- Any other matter which is causing concern

Appendix B: Practical Application of the Policy Principles

Providing an appropriate, caring response

Processes and procedures will be developed and regularly reviewed in light of feedback from customers and good practice. Our approach to ASB is set out below:

- Anonymous complaints may be considered if these can be easily corroborated. Otherwise, anonymous complaints will be recorded but not acted on.
- We will respond to complaints of ASB or neighbour nuisance within the agreed timescales. If appropriate, the person who made the complaint (“the complainant”) will also be advised to contact the Police. The complainant will be provided with an ‘Incident Diary Booklet’ to gather evidence. If unable to gather evidence in this way, alternative suitable methods will be provided.
- Where there is a clear case of harassment, we will advise tenants to contact the Police and we will investigate and act on findings in a way that is sympathetic to the needs of the tenant.
- If mediation is appropriate and if both parties agree this will be provided by the Association at no cost to the perpetrator or victim.
- We will keep the complainant supported through regular contact and referral to appropriate support agencies. We will also keep people informed about what we are doing, although we will respect the confidentiality of information made available to us. Where possible, and depending on the nature of the offence, we will seek the complainant’s agreement before taking action against the perpetrators of ASB.
- We will only give information to a third party if the person concerned has agreed or subject to information sharing agreements and the provisions of the Data Protection Act 2048 which implements the General Data Protection Regulation (GDPR) or we are required to do so by law.

Tools to support effective management of ASB

These tools include:

Prevention:

- Ensuring that clauses relating to ASB are highlighted and reinforced to all new tenants at tenancy sign up.
- Good Neighbour Agreements form part of the sign-up process to further reinforce the standards of behaviour that is expected from all tenants.
- Carrying out 'settling in' visits for all new tenants within the first 4 weeks of the start date of the tenancy to reiterate and re-emphasise the importance of adhering to the terms and conditions of the tenancy agreement and to reinforce the Good Neighbour Agreement. Follow up visits will be carried out where there is evidence of ASB to monitor any concerns and manage incidents of ASB.
- Visiting our estates regularly to make sure that they are in a tidy condition and free of graffiti or other signs of neglect or damage and managing any ongoing issues because of ASB.
- Working together with communities and Registered Tenants Organisations (RTO') to identify and take forward wider role initiatives linked to addressing ASB problems in areas where our housing is located.

External partnerships:

- When investigating a neighbour dispute or ASB, where we can identify a support need (e.g., related to parenting, disability, drugs or alcohol etc.) we will refer the person to Social Work and/or the appropriate support agency.

Continual improvement:

- Monitoring how well we respond to and resolve neighbour nuisance and ASB complaints through key performance indicators (KPI's) and customer satisfaction surveys.
- Involving tenants in reviewing performance and policy.

A proportionate and graduated response:

- If there is evidence of serious ASB, the Association may start legal action immediately. In all other instances the Association will encourage the person behaving unsatisfactorily to put a stop to it. This will be done by using several measures including mediation, interviews, issuing warning letters, an Acceptable Behaviour Contract or an Unacceptable Behaviour Contract alongside identifying and sourcing appropriate support to help the perpetrator address the behaviour. We will seek advice on the most appropriate legal remedy. This could result in the perpetrator losing their home, remaining in their home with fewer rights through a demoted tenancy (on the condition that the

offending behaviour is stopped) or being excluded from their home for a period of time (known as a Closure Order).

- The Association may suspend housing applicants if they or members of their household or visitors have been involved in ASB in or near their home. We will consider any involvement of the Police or statutory agencies, the issuing of warnings, Notice of Proceedings, and any legal proceedings. We will advise applications of their right to appeal against any suspensions applied.
- The Association may consider converting existing Social Housing tenancies to Short Scottish Secure Tenancies (SSST) or granting SSST's to new tenants where an ASBO has been awarded or there is evidence that the tenant, member of their household or visitor has been involved in ASB in or near their home within the last three years. The minimum period for an SSST is 12 months with an option to extend by a further 6 months if the unacceptable behaviour is not addressed and further tenancy support is required.
 - When issuing SSST's we will work with the appropriate agencies and statutory agencies to ensure that housing support is in place to work with the tenant to address their behaviour and sustain their tenancy. If there is no improvement in the tenant's behaviour and there is a lack of engagement with the nominated agencies it may be necessary to commence legal action to recover the property.
 - Where SSST's are issued, we will consider extending the tenancy for a further 6 months if ASB persists and explain why we have decided to apply an extension. This will allow the tenant a further opportunity to engage with the landlord and support agencies to address their behaviour.
 - Where it is decided to bring a SSST to an end the tenant can request a review of the decision, and this will be carried out by the Head of Neighbourhoods & Communities to ensure that legal timescales for the response are met.
 - Where a tenant who has a Scottish Secure Tenancy has been involved in serious ASB and convicted in the last 12 months we will consider the impact on the wider community and may pursue action to bring the tenancy to an end.
 - If the decision is taken to bring the tenancy to an end, we will clearly set out the reasons for bringing the tenancy to an end.
 - The tenant will have the legal right to challenge the action being raised to bring their Scottish Secure Tenancy to an end.