

Elderpark Housing Association takes complaints of anti-social behaviour and neighbour nuisance seriously and is committed to taking quick and effective action. Our Anti-Social behaviour Policy is currently under review, and we would welcome your feedback on the following key changes in our policy. A summary of our current policy can be viewed by clicking on this link: <https://elderpark.org/wp-content/uploads/2022/07/H3-Anti-social-Behaviour-Policy.pdf>

1) Categorisation of Complaints

For monitoring and reporting purposes, the different types and severity of complaints have been categorised as follows:

Category A – Very Serious Complaint

Complaints which concern allegations of drug dealing, using the property to cultivate drugs, criminal behaviour involving threats of violence towards any member of the public, including members of staff, housebreaking, assault, criminal threats, sectarianism, serious harassment, racial harassment, hate crime and serious damage to property, including fire raising.

Category B – Serious Complaint

Complaints which concern allegations of aggressive/abusive behaviour, frequent disturbances, vandalism, drug/solvent/alcohol abuse, verbal and written harassment, persistently failing to control visitors to the property and frequent and persistent noise.

Category C – Nuisance Complaint

Complaints such as an infrequent noise disturbance, boundary disputes, a noisy party.

2) Lifestyle differences & day to day noise

The anti-social behaviour policy has been amended to include lifestyle differences & day to day noise. In order to provide the best service possible for our residents, it is important that our resources are targeted at dealing with issues that are having serious impacts on lives and our communities. It may not always be possible for us to intervene in matters that are considered day to day noise or lifestyle differences; however we will provide details of other agencies who may be able to assist, make referrals to mediation if appropriate, and offer advice where possible.

Examples that may fall into this category include:

- Allegations of low-level noise nuisance where Police Scotland or the Noise Enforcement Team cannot be contacted, such as noise from walking across floorboards
- Smells emanating from cooking

During the discussion of an action plan, it may become clear that the reported behaviour does not meet the definition of antisocial behaviour as set out in the Tenancy Agreement but instead falls under the category of annoyance or lifestyle difference.

Where this is the case, the Officer will:

- Advise the complainant at the earliest opportunity that the issue does not constitute ASB under the tenancy agreement.
- Clearly explain the difference between ASB and lifestyle disputes, using examples where helpful.
- Provide practical guidance and support to help manage or resolve the nuisance, which may include:
 - Mediation services.
 - Good neighbour advice.
 - Referral to support agencies where appropriate.

3) Vexatious Complaints

We have updated our anti-social behaviour policy to include vexatious complaints.

A vexatious anti-social complaint can be defined as a complaint (or a series of many) that is specifically being pursued regardless of its merits, solely to harass, annoy or subdue someone; something that is unreasonable, without foundation, frivolous, repetitive or unwarranted. Vexatious complaints can also be those discovered to be untrue, or repeatedly making petty allegations against a person(s), where other individuals do not find the behaviour upsetting or distressing.

The Association will investigate anti-social complaints and will respond professionally to complaints, but where it becomes apparent after investigating a complaint that there is no merit in the complaint then it will be communicated that there is no evidence and that no more can be reasonably done to assist the complainant.

Each case will be considered and investigated, and a decision made as to whether it is vexatious or genuine based on the evidence gathered.

4) Anonymous Complaints

Elderpark Housing always ensure all complaints remain confidential. In some instances, people prefer to remain anonymous. There are generally two reasons why complaints are made anonymously;

1. They are not genuine and possibly made with malicious intention or
2. They are genuine and anonymous due to fears of reprisal

We may not be able to investigate fully unless all of the information required has been provided by the complainant.

The acceptance of an anonymous complaint should be handled sensitively, and the Housing Officer will use their discretion regarding the handling of the complaint, and whether it is feasible to investigate based on the information received. In some cases, no action will be taken unless the complaint can be substantiated.

5) Anti-Social Behaviour & Eviction

If the perpetrator of serious anti-social behaviour is an EHA tenant and all possible efforts to resolve the incidents have been exhausted without success, or if there is a serious breach of tenancy, we will issue a Notice of Proceeding (NOP) to the perpetrator and initiate legal action.

In cases where NOP's have been served, we may consider seeking a court order for eviction and repossession of the property. This step will only be taken after all other appropriate remedies have been attempted and when eviction is considered a reasonable course of action.