



Anti-Social Behaviour Policy

If you have difficulty with reading this policy, including any difficulties with sight or hearing, or if you require this document translated into another language, please contact us and we will be happy to provide this information in a format that suits your needs.

Last Review: August 2025

Next Review: August 2030

Policy Number: H3

(Some aspects of this policy were updated in August 2026 to reflect legislative changes on Domestic Abuse)

Our Vision, Our Values, Our Strategic Objectives

Our Vision

A vibrant neighbourhood where everyone can prosper.

Our Values

Caring, Reliable, Fair, Open and Adaptable

Our Strategic Objectives



Equality and Diversity Statement

Elderpark Housing are committed to ensuring people or communities do not face discrimination or social exclusion due to any of the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex or sexual orientation.

This document complies with our Equality and Diversity Policy.

We will regularly review this Policy and consider any equalities implications taking the necessary action to address any inequalities (either directly or indirectly) that result from the implementation of this Policy.

Executive Summary

Policy Author

This Policy has been developed by the Housing Manger

Purpose of the Policy

The Anti-Social Behaviour Policy aims to ensure that we have an accountable process to identify, record and put in place procedures to deal with incidences of anti-social behaviour, in accordance with legal provisions and contractual terms contained within the tenancy agreement.

Aims and Objectives of the Policy

This policy is a key document within the Association, and its aims and objectives are to:

- To give clear guidance on the process for dealing with anti-social behaviour by utilising both legal and non-legal means that exist within the existing legal provisions and best practice guidance
- To ensure that our anti-social behaviour policy is in line with other policies, such as our allocations policy helps build safe communities
- Work alongside partner agencies to tackle anti-social behaviour and promote remedies that compliments this policy
- Ensure that we comply with regulatory requirements
- To ensure that incidences of anti-social behaviour are dealt with in accordance with our equality and diversity policy
- To ensure that complainants are kept informed of how their complaint is progressing.

Legislative and Regulatory Compliance

We will seek to meet all of our legal obligations as set out in the following legislation:

- Anti-Social Behaviour etc. (Scotland) Act 2004
- The Housing (Scotland) Act 2001
- The Housing (Scotland) Act 2010
- The Housing (Scotland) Act 2014
- Crime and Disorder Act 2003
- Adult Support & Protection (Scotland) Act 2007
- Protection from Harassment Act 1997
- Equalities Act 2010
- Dangerous Dogs Act 1991
- Misuse of Drugs Act 1971

- Human Rights Act 1998
- Sex Discrimination Act 1975
- General Data Protection Regulation (GDPR)

In addition, we will meet the outcomes and standards contained within the Scottish Social Housing Charter.

- **Outcome 1 – ‘Equalities’**
states that ‘Social landlords perform all aspects of their housing services so that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.’
- **Outcome 2 – ‘Communication’**
states that ‘Social landlords manage their businesses so that tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.’
- **Outcome 3 – ‘Participation’**
states that ‘Tenants and other customers are offered a range of opportunities to make it easy for them to participate in and influence their landlords’ decisions at a level they feel comfortable with’.
- **Outcome 6 – ‘Estate Management, anti-social behaviour, neighbour nuisance and tenancy disputes’**
states that social landlords will work in partnership with other agencies to help ensure as far as reasonably possible that tenants and other customers live in well-maintained neighbourhoods where they feel safe.
- **Outcome 11 – ‘Tenancy Sustainment’**
states that tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations.
- **Outcome 13 – ‘Value for Money’**
states that social landlords manage all aspects of their businesses so that tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay.

Equalities

We will ensure there is a consistent approach in promoting equality and diversity across all areas and this policy will be administered in accordance with this policy.

Privacy

Any personal data collected will be in line with GDPR requirements and accessible only by those who require this information for specific purposes.

Related Policies

Policy Title	Location
Allocations Policy	Allocations Policy 2026
Domestic Abuse Policy	Domestic Abuse Policy
Tenancy Sustainability Policy	Tenancy Sustainment Policy
Estate Management Strategy	Estate Management Policy
Equality, Diversity and Inclusion Policy	Equality, Diversity and Inclusion Policy

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1 Introduction

- 1.1 Elderpark Housing Association (EHA) is a registered social landlord, established in 1975. We have strived to improve the lives of our residents, create opportunities and build a safe and secure environment. The Association is a 'not for profit' organisation, registered and regulated by the Scottish Housing Regulator and is governed by a voluntary Management Committee.
- 1.2 The Management Committee is responsible for approving this Policy, and for overseeing its implementation. The Chief Executive and Management Team have operational responsibility for policy implementation, and for reporting to the Housing & Maintenance subcommittee on areas relevant to anti-social behaviour.

This document sets out the Policy framework within which Elderpark Housing Association manage and investigate reports of antisocial behaviour.

2 Purpose of Policy

- 2.1 The Anti-social Behaviour Policy aims to ensure that we have an accountable process to identify, record and put in place procedures to deal with incidences of anti-social behaviour, in accordance with legal provisions and contractual terms contained within the tenancy agreement

3 Aims and Objectives

- 3.1 This policy is a key document within the Association, and its aims and objectives are to:
- To give clear guidance on the process for dealing with anti-social behaviour by utilising both legal and non-legal means that exist within the existing legal provisions and best practice guidance
 - To ensure that our anti-social behaviour policy is in line with other policies, such as our allocations policy helps build safe communities
 - Work alongside partner agencies to tackle anti-social behaviour and promote remedies that compliments this policy
 - Ensure that we comply with regulatory requirements
 - To ensure that incidences of anti-social behaviour are dealt with in accordance with our equality and diversity policy
 - To ensure that complainants are kept informed of how their complaint is progressing.

4 Legal and Regulatory Framework

- 4.1 We will seek to meet all of our legal obligations as set out in the following legislation:
- Anti-Social Behaviour etc. (Scotland) Act 2004
 - The Housing (Scotland) Act 2001
 - The Housing (Scotland) Act 2010
 - The Housing (Scotland) Act 2014

- Crime and Disorder Act 2003
- Adult Support & Protection (Scotland) Act 2007
- Protection from Harassment Act 1997
- Equalities Act 2010
- Dangerous Dogs Act 1991
- Misuse of Drugs Act 1971
- Human Rights Act 1998
- Sex Discrimination Act 1975
- General Data Protection Regulation (GDPR)

4.2 In addition, we will meet the outcomes and standards contained within the Scottish Social Housing Charter.

➤ **Outcome 1 ‘Equalities’**

States that ‘Social landlords perform all aspects of their housing services so that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.’

➤ **Outcome 2 ‘Communication’**

States that ‘Social landlords manage their businesses so that tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.’

➤ **Outcome 3 ‘Participation’**

States that ‘Tenants and other customers are offered a range of opportunities to make it easy for them to participate in and influence their landlords decisions at a level they feel comfortable with’.

➤ **Outcomes 6 ‘Estate Management, anti-social behaviour, neighbour nuisance and tenancy disputes’**

States that social landlords will work in partnership with other agencies to help ensure as far as reasonably possible that tenants and other customers live in well-maintained neighbourhoods where they feel safe.

➤ **Outcome 11 ‘Tenancy Sustainment’**

States that tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations.

➤ **Outcome 13 ‘Value for Money’**

States that social landlords manage all aspects of their businesses so that tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay.

5 Definition of Anti-Social Behaviour

- 5.1 Anti-Social behaviour can be a complex issue, however the Anti-Social Behaviour etc (Scotland) Act 2004 considers a person to have engaged in anti-social behaviour if they act in a manner towards anyone or pursue a course of conduct that causes or is likely to cause alarm or distress.

“Conduct” includes speech, and a course of conduct requires it to have happened on at least two occasions. “Alarm” involves fear or apprehension of danger. “Distress” involves some form of suffering. It goes beyond upset, or annoyance, or irritation, or inconvenience.

- 5.2 Anti-Social behaviour can be committed by:

- The tenant or any other joint tenant
- Any person living with the tenant e.g. family or friends
- Lodgers or sub-tenants
- Visitors to your home

- 5.3 Anti-Social behaviour can affect:

- People living in or visiting the locality e.g. neighbours, relatives or friends
- People engaged in lawful activity within the locality e.g. housing staff or contractors carrying out their duties. The term “locality” includes the overall neighbourhood which can extend beyond the house and the adjacent properties to the local housing area

6 Categorisation of Complaints

- 6.1 Response to complaints will vary depending on the nature and seriousness of the particular issues involved. Tenants are encouraged to resolve minor complaints themselves, whereas complaints of a more serious nature may require a response from the Housing Officer/ Manager and in some cases involve liaison with other agencies such as Environmental Health, Police and Social Work. 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. Typically, it is expected that the Police will be involved for Category A cases.

Reports involving domestic abuse, coercive control, threats or violence against a partner, former partner or household member will be treated as high-risk cases and managed in

accordance with the Domestic Abuse Policy. Where appropriate, referrals to specialist agencies and safeguarding services will be considered.

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.

Estate Management Issues

A significant number of complaints fall into this category and refer to minor breaches of the tenancy conditions as general estate management issues e.g. untidy gardens, unkempt communal areas, graffiti, control of pets. Please note that complaints in this category will be dealt with separately through our Estate Management Policy.

Record Only – All types of Complaints

This category is used where a complaint is made but the complainant does not want the complaint pursued. It is recorded for monitoring purposes only and no further action will be taken.

Anonymous Complaints

It is important that the staff of Elderpark Housing Association are approachable to customers and that we are aware of what is happening in their neighbourhoods. In the interests of early intervention and prevention of antisocial behaviour, no one will be turned away, however we may not be able to investigate fully unless we have all of the information needed. 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

The acceptance of an anonymous complaint should be handled sensitively, and the Housing Officer should use their discretion regarding the handling of the complaint, and whether it is feasible to investigate based on the information received.

Whilst anonymous complaints can be investigated, no action will be taken unless they can be substantiated. Complainers will be advised to report incidents to all relevant agencies, as and when they arise.

- 6.2 While some complaints may not fit neatly within a single category, we will refer to the previous case history and nature of complaint in deciding how to treat a complaint.

The following table outlines the target timescales for resolution;

Category	Acknowledgement within	Target for Resolution
Category A – Very Serious Complaint	1 Working day	40 Working days
Category B – Serious Complaint	2 Working days	20 Working days
Category C – Nuisance Complaint	5 Working days	10 Working days

7 Lifestyle Differences and Day-to-Day Noise

- 7.1 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.
- 7.2 The following list provides examples that fall into this category, but it is not exhaustive;
- Smell of cannabis emanating from within a property unless action being taken by Police Scotland
 - Smells emanating from cooking
 - Disputes over washing lines
 - Vehicle nuisance – unless penalties have been applied by a recognised authority
 - Social media – unless action being taken by Police Scotland
 - Nuisance telephone calls
 - Balls going into neighbours' gardens/ throwing snowballs
 - People glaring at individuals/ hand gestures
 - Dogs barking unless penalties have been applied by a recognised authority
 - Allegations of low-level noise nuisance where Police Scotland or the Noise Enforcement Team cannot be contacted, such as noise from walking across floorboards

8 Making and Receiving Complaints

- 8.1 All complaints received will be logged on the Associations IT system. Each case will be allocated a reference number and complaints falling within categories A, B and C will be acknowledged in writing.
- 8.2 Although individuals will be encouraged to put their complaint in writing, it is not always necessary. Verbal complaints will be accepted and recorded, but where the complaint is of a more serious nature or in relation to an ongoing issue, submitting it in writing may be requested.

- 8.3 Where someone has difficulty expressing themselves in writing, they may be asked to make a statement that will be documented by a member of the Association's staff, which they will then be asked to sign.
- 8.4 EHA will offer any help required to complete the necessary paperwork if there are any barriers in communication, e.g. booking an interpreter where there is a language barrier.

Action Planning

EHA will agree an action plan with the complainant to investigate complaints of antisocial behaviour (ASB) or nuisance behaviour. The action plan will set out the responsibilities of both the Association and the complainant in order to substantiate the complaint.

Depending on the nature of the allegation, this may include:

- The complainant maintaining accurate incident records and reporting relevant matters to agencies such as Police Scotland.
- The Association's officer interviewing the alleged perpetrator.
- Contacting other neighbours, witnesses, or relevant agencies to gather supporting evidence.

Managing Expectations – Lifestyle Issues

During the discussion of the action plan, it may become clear that the reported behaviour does not meet the definition of antisocial behaviour as set out in Clause 3 of the Tenancy Agreement but instead falls under the category of annoyance or lifestyle difference as referenced in Section 7.2.

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.

This approach ensures transparency, helps manage expectations, and demonstrates the Association's commitment to supporting positive neighbour relationships, even when enforcement action is not appropriate.

9 Substantiating a Complaint

- 9.1 The test for substantiating a complaint is based on the test of the balance of probability. This means that, based on the evidence available, EHA must determine that after considering everything, it seems more probable than not that the antisocial behaviour happened. EHA will generally consider a complaint to be substantiated in the following ways;
- Two independent complainers/ witnesses have confirmed the same incident, occurring at the same time and date
 - The Police, Glasgow City Council or another professional witness can confirm a specific incident as a result of their attendance
 - CCTV or photographic evidence shows that the antisocial incident took place (e.g. an assault)
 - The alleged perpetrator has admitted the incident reported by a single complainer
 - Confirmation from the Noise App
- 9.2 Corroboration of antisocial behaviour is required.
- 9.3 If we conclude that there is no corroboration and a complaint cannot be substantiated due to a lack of evidence, the case will be closed, and we will notify the complainer and alleged perpetrator.
- 9.4 Closing a case does not always mean that further action will not be taken. If further complaints are received, and they also cannot be substantiated, EHA may decide to take the decision to make a referral to Glasgow City Council's Community Relations Unit.

10 Anti-Social Behaviour and Other Tenures

- 10.1 Action Against Non-Tenants and Other Tenures
- EHA recognises that incidents of nuisance or antisocial behaviour (ASB) may involve individuals who are owner-occupiers, private tenants, or members of the general public, and therefore fall outside the direct scope of our tenancy enforcement powers. In such cases, our ability to take direct action is limited; however, we will take the following approach to ensure issues are addressed effectively and proportionately:
- **Legislative Framework and Partnership Working**
Under the Anti-Social Behaviour etc. (Scotland) Act 2004, the Association has the legal power to apply for an Interim Antisocial Behaviour Order (ASBO) or an ASBO against any member of the public, where appropriate. To maximise the likelihood of a successful outcome, EHA will work in partnership with Glasgow City Council and Police Scotland to investigate incidents and determine the most appropriate course of action.

- **Factored Owners**

EHA's Factoring Written Statement confirms that, as part of the management fee, we will assist in mediating complaints concerning owners and their tenants, with the aim of resolving disputes and maintaining a positive environment within our managed properties.

- **Glasgow City Council Community Relations Unit (CRU)**

Additional Support Glasgow City Council's Community Relations Unit (CRU). Further support is available through (CRU), which provides specialist advice and intervention in complex or persistent ASB cases. More information can be accessed at:

www.glasgow.gov.uk/cru CRU Helpline: 0800 0273 901

- **Youth Antisocial Behaviour**

Where incidents involve young people, EHA will adopt a dual approach where the youth is a child of an EHA tenant, by:

- Working in partnership with Police Scotland, youth work providers, and other agencies to address serious or persistent offending.
- Supporting preventative and diversionary measures, including referral to youth engagement initiatives and alternative activities, to reduce the likelihood of repeat behaviour.

11 Vexatious Anti-Social Complaints

11.1 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.

11.2 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 following behaviour can also be defined as 'vexatious';

- Repeatedly contacting the Association, whether by phone, email or in person, to make the same allegation to different employees, or to make similar allegations in slightly different ways;
- Refusing to accept that certain instances are not within the scope of our Anti-Social Behaviour Policy;
- Refusing to co-operate with the antisocial behaviour investigation process;
- Insisting on the alleged antisocial behaviour being dealt with in ways incompatible with the Association's Anti-Social Behaviour Policy;

11.3 The Association will investigate all 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.

- 11.4 Even though someone has made vexatious anti-social complaints in the past, it cannot be assumed that the next complaint is also vexatious. Each case must be considered and investigated, and a decision made as to whether it is vexatious or genuine based on the evidence gathered.

12 Domestic Abuse and Anti-Social Behaviour

- 12.1 Where a report of anti-social behaviour is received and domestic abuse is known, disclosed or suspected, the Association will consider whether the behaviour is connected to domestic abuse before categorising or investigating the complaint.

Elderpark Housing Association recognises that victim-survivors of domestic abuse should not be treated as perpetrators of anti-social behaviour because of behaviour arising directly from abuse, coercion, control, intimidation or attempts to seek safety.

Staff will take a trauma-informed and person-centred approach when assessing reports and will consider:

- Whether domestic abuse may be a contributing factor.
- The safety of the victim-survivor and any children.
- Appropriate safeguarding measures.
- Partnership working with Police Scotland and specialist support agencies.
- Whether tenancy remedies available under the Domestic Abuse (Protection) (Scotland) Act 2021 should be considered.

All cases involving domestic abuse will be managed in accordance with the Association's Domestic Abuse Policy and safe communication arrangements will be agreed with the victim-survivor.

13 Hate Crime

- 13.1 The Hate Crime and Public Order (Scotland) Act 2021 was passed by the Scottish Parliament in 2021 and implemented on 1st April 2024.

Hate Crime is a term used to describe behaviour which is both criminal and rooted in prejudice. This means that the law has been broken, and the offender's actions have been driven by hatred towards a particular group. Hate crime has a hugely damaging and corrosive impact on victims, their families and communities.

- 13.2 Hate crime law in Scotland provides protections for the following characteristics:

- Age
- Disability
- Race
- Religion
- Sexual orientation
- Transgender identity

- Variations in sex characteristics

Hate crime can include assault, verbal abuse, harassment, online abuse, damage to property and threatening behaviour.

13.3 Incidences of Hate Crime

An incident should be treated as a hate crime if a victim or witness perceives it to be a hate crime. That is to say, if a victim believes they have been targeted for harassment or assault, verbal or physical because of their race, sexual orientation, religion, disability, or transgender identity then the offence will be recorded and investigated as a hate crime. Even where a victim does not necessarily believe that this is the case, where a witness to the incident views it as being motivated by prejudice, then that is also sufficient to categorise an incident as a hate crime. Neither does an individual need to come under one of the protected characteristics to be a victim of a hate crime.

13.4 Tackling Hate Crime

We recognise tackling hate crime involves a multi-agency approach. The main way to resolve reports of a hate crime is through effective management. This involves working jointly with other agencies that can assist us in dealing with incidences of hate crime, namely:

- Police Scotland
- Victim Support
- Community Safety Glasgow

Elderpark Housing Association take a zero-tolerance approach to Hate Crime and complaints will therefore be treated as a category A complaint and appropriate action taken.

14 Actions and Remedies for Tackling Anti-Social Behaviour

We recognise that in order to tackle anti-social behaviour we must tackle the offending behaviour. The main way to resolve complaints of anti-social behaviour is through effective management. This involves working jointly with other agencies that can assist us in dealing with issues of anti-social behaviour, such as:

- Police Scotland
- Social Work
- Environmental Health
- Third sector partner agencies
- Glasgow City Council (Community Relations Unit, Mediation, Noise Pollution etc)
- Glasgow City Health and Social Care Partnership
- Addiction Services

We recognise that in order to tackle anti-social behaviour effectively we employ a range of legal and non-legal remedies. This section details the remedies we might use. Legal action will be considered only where management actions (non-legal remedies) have been ineffective or considered inappropriate.

14.1 Advice

Making contact and providing suitable advice to tenants can be effective in resolving some minor tenancy breaches and low-level disputes/nuisance complaints. In some instances, staff may decide to issue a breach of tenancy letter.

14.2 Issue a Verbal Warning

This will generally be done following an interview with the perpetrator/ alleged perpetrator but if they fail to attend the interview, a warning letter will be issued to their home address. It should be noted that there should be sufficient evidence of antisocial behaviour and who was responsible for this behaviour before issuing a verbal warning.

14.3 Issue a Written Warning

If after having received a verbal warning, the perpetrator/ alleged perpetrator continues to act in antisocial manner, they may be issued with a written warning. Unlike the verbal warning, this will be issued following an interview with the perpetrator/ alleged perpetrator. It should be noted that there should be sufficient evidence of antisocial behaviour and who was responsible for this behaviour before issuing a written warning.

14.4 Mediation

Mediation is a remedy which can be considered where neighbour relations have broken down and legal action is not a suitable course of action. Mediation is very effective in resolving neighbour disputes. It can be used in any situation where there is conflict, and all parties are assisted to talk things through and find common ground. All parties must be willing to take part.

Mediation can be particularly useful for cases whereby the Association deems there to be a 'clash of lifestyles' between both parties.

14.5 Acceptable Behaviour Contracts

An Acceptable Behaviour Contract (ABC) is a written agreement between the perpetrator (child or adult), Elderpark Housing Association and Police Scotland. The contract specifies a list of anti-social acts which the person has been involved in and they agree not to continue with. The contract usually lasts for 6 months but can be renewed if necessary. Although the ABC is not legally binding, it can be used at court to support an eviction action or an application for an Anti-Social Behaviour Order (ASBO). If an individual fails to sign an ABC, an Unacceptable Behaviour Notice (UBN) can be issued. The UBN makes a person aware of their behaviour and the

consequences if their behaviour continues. Again, it is not legally binding but can be used to support legal remedies.

14.6 Interdict

This is a court order to prevent someone from doing something, for example, dumping rubbish in common areas, playing loud music, swearing, shouting, damage to property etc. The interdict/ interim interdict can be a quick method of intervention.

14.7 Specific Implement

The remedy of specific implement is an order of the court requiring a person to perform his or her legal obligations for example, obligations under a contract. It can be used by social landlords to require a tenant to do something.

Incidents that relate to matters that potentially could be the subject of an action for a specific implement can be:

- Failure of tenants to maintain their own gardens
- Failure to fulfil responsibilities to clean communal areas
- Dumping rubbish
- Other behaviour affecting the amenity of communal areas such as common closes

If the Housing Officer feels that this could be beneficial to resolve an ongoing neighbour dispute or Anti-Social Behaviour, they must make contact with EHAs solicitor to request that they commence the court process to grant an order that will require the party involved to perform a specific act.

14.8 Anti-Social Behaviour Order (ASBO)

In cases of serious and persistent antisocial behaviour where other measures such as those outlined above have failed to resolve, the Association can apply to the court for an ASBO to be served on the perpetrator.

An ASBO is a court order preventing someone (aged 12 or over) from pursuing a course of conduct that is causing alarm or distress to the community, or behaviour that is likely to escalate to criminal level if not stopped. Applying for an ASBO is a civil action and is not a substitute for criminal proceedings; therefore, the Association can apply for an ASBO and attempt to recover possession at the same time. ASBO applications should be done in consultation with the Police. We can apply for an Interim ASBO / ASBO for anyone over the age of 12 years. They do not need to be a tenant, resident or owner etc. However, we would have to demonstrate to the Sheriff that it would be 'reasonable' to grant the order bearing in mind the behaviour of the person concerned. Examples of when an ASBO may be necessary include;

- racial harassment or homophobic behaviour
- persistent antisocial behaviour as a result of noise nuisance/ drug / alcohol misuse
- intimidation by threats and/or violence

Discussion should be held between the Housing Management department, with information from relevant agencies, including Local Authority Safer Community Teams, prior to action for ASBO being instructed. Checks must be made to ensure Local Authority or police are not making application for Criminal ASBO (CRASBO) prior to application is made. Once sufficient evidence has been collected, and agreement within EHA and external stakeholders, all evidence should be sent to EHA solicitors to instruct Interim ASBO prior to application for full ASBO.

14.9 Notice of Proceedings (NOP)

If the perpetrator 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.

If a Housing Officer believes that a decree for repossession due to anti-social behaviour is necessary, a report must be prepared and submitted for approval by the Housing Manager, followed by a second approval from the Director of Housing.

Service of Notices:

Any Notice of Proceedings or other statutory notice issued by the Association will be served in accordance with Section 40 of the Housing (Scotland) Act 2001, as amended by Section 50 of the Housing (Scotland) Act 2025. Where permitted by legislation and where the tenant has agreed to receive communications electronically, notices may be delivered by electronic means. The Association will ensure that all notices are served using a method permitted by the relevant legislation in force at the time the notice is issued

14.10 Domestic Abuse (Protection) (Scotland) Act 2021

Where the statutory conditions are met, the Association may consider using the abusive behaviour ground introduced by the Domestic Abuse (Protection) (Scotland) Act 2021 to seek recovery of possession or termination of a perpetrator's interest in a tenancy.

Any consideration of this remedy will take account of:

- The wishes of the victim-survivor.
- Safety considerations.
- The needs of any children affected.
- Available evidence.
- Equality and human rights considerations.
- Scottish Government statutory guidance.

14.11 Conversion to a Short Scottish Secure Tenancy Agreement (SSST)

Under the terms of the Housing Scotland Act 2014, the Association has the power to grant a Short Scottish Secure Tenancy Agreement (SSST) to a new or existing tenant if there has been antisocial behaviour within the last three years with no need for any criminal conviction or court proceedings to have taken place. The SSST will run for an initial 12-month period with a potential extension for a further 6 months.

The Association will convert the SSST to a full Scottish Secure Tenancy at the end of 12 months, providing the tenant has not acted in an unacceptable manner within this timeframe.

During the period of the SSST, the Association should ensure that appropriate support is in place aimed at enabling the tenancy to be converted to a full SST. Notice must be served on the existing tenant of the intention to convert a tenancy to a SSST. The tenant has the right to appeal through the Associations internal appeals procedure or to the court.

Where the Association is considering using a short SST they will take account of the following;

- the nature frequency, duration and type of the anti-social behaviour
- what evidence there is available
- the impact the behaviour has had on the community
- where the behaviour has been taking place
- whether other actions could be taken to address the behaviour
- support requirements of the individual and the household

Where the tenant continues to engage in anti-social behaviour we will look to end the tenancy by requesting a court order for eviction.

15 Partnership Working

Elderpark Housing Association will work alongside partner agencies such as Police Scotland, the Social Work Department, Glasgow City Council and other RSLs to address and tackle antisocial behaviour. As part of the joint information sharing protocol with Police Scotland, Glasgow City Council and other RSLs we share information and promote effective remedies for tackling antisocial behaviour.

16 Policy Development and Review

Consultation and discussion is invaluable in allowing us to achieve a policy and working procedures that will, as far as possible, reflect our tenants and applicants' needs and aspirations. We will consult all tenants on all reviews of this policy in accordance with the Housing (Scotland) Act 2001 and our own Tenant Participation Strategy.

In reviewing this version, we consulted with all EHA tenants.

This policy will be reviewed within 5 years from the date of approval by the Management Committee, in accordance with EHA's policy review framework and approval process.

17 Customer Care Standards

The Association is committed to delivering a fair, transparent, and responsive service when managing complaints of antisocial behaviour (ASB). To achieve this, we aim to meet the following customer care standards:

17.1 Vulnerability and Support Needs

We will ask both the complainant and the alleged perpetrator about any vulnerabilities or specific needs that should be considered during the investigation. This information will be treated confidentially and used to inform our approach and support planning.

17.2 Risk Management

Where complaints involve threats, harassment, or violence, an immediate risk assessment will be carried out, and urgent protective measures will be considered.

18 Measuring and Monitoring Performance

The Housing Manager is responsible for ensuring that this policy is implemented as required. The Housing Manager will provide reports to the Housing Sub-Committee on a quarterly basis in line with EHA Performance Framework Reporting.

We will undertake regular reviews of our performance and will produce an annual performance report which we will publish on our website. Performance reporting will focus on monitoring our performance against the relevant outcomes and standards in the Scottish Social Housing Charter. Anti-Social Behaviour-related information will also form part of our performance reporting to the Scottish Housing Regulator.

In particular, we will monitor whether our tenants consider that:

- They were treated fairly and with respect, received fair access to housing services
- We communicated well with them providing clear guidance on how we can deal with anti-social behaviour

18.1 Feedback and Continuous Improvement

We will trial use of Customer Experience (CX) Feedback Survey at the end of the process. Feedback will be used to improve our service and reinforce our commitment to customer care.

19 Complaints

We aim to provide a high-quality housing management service to tenants. However, we accept that from time to time we will not always get it right and welcome feedback from our customers. The Association has a complaints procedure, and this is available

on-line or in leaflet format. Staff can assist applicants to make formal complaints if required. An applicant can use the Complaints Procedure to address the following:

- Delays in responding to enquiries and requests
- Failure to provide a service
- Our standard of service
- The Anti-Social Behaviour Policy
- Attitude or behaviour of a member of staff

20 Review

This policy will be reviewed every three years or changed as legislative and good practice dictates.

Appendix 1

GDPR Impact Assessment

Name of Policy to be assessed	ASB Policy	New policy or revision of existing?	Policy Review
Person(s) responsible for assessment		Rachel Cooper	
Briefly describe the aims, objectives and purpose of the policy.	To ensure that we have an accountable process to identify, record and put in place procedures to deal with incidences of anti-social behaviour, in accordance with legal provisions and contractual terms contained within the tenancy agreement.		
Which type of data will be used by implementation of this policy? (e.g. personal, sensitive or special category)	Personal and potentially sensitive information will be used by implementation of this policy.		
What outcomes are wanted from this policy? (e.g. necessary to meet legal obligations)	• To give clear guidance on the process for dealing with anti-social behaviour by utilising both legal and non-legal means that exist within the existing legal provisions and best practice guidance • To ensure that our anti-social behaviour policy is in line with other policies, such as our allocations policy helps build safe communities • Work alongside partner agencies to tackle anti-social behaviour and promote remedies that compliments this policy • Ensure that we comply with regulatory requirements • To ensure that incidences of anti-social behaviour are dealt with in accordance with our equality and diversity policy • To ensure that complainants are kept informed of how their complaint is progressing.		
Which groups could be affected by the policy? (note all that apply)			
Tenants	X	Committee	X
Employees	X	Contractors	X

If the policy is not relevant to any of the data groups listed above, state why and end the process here.

Have those affected by the policy / decision been involved?

A full tenant consultation has taken place for this policy review using CX Feedback.

Describe the likely positive or negative impact(s) that the policy could have on the groups identified above.

Positive Impact(s)

Negative Impact(s)

None

None

What actions are required to address the impacts arising from this assessment? (This might include: additional data, putting monitoring in place, making adjustments, taking specific action to mitigate any potentially negative impacts)

The Association has systems and checks in place to ensure that personal data remains confidential.
Information will be shared with work colleagues on a strictly 'need to know' basis.

Signed:

Rachel Cooper

Dated:

07.08.2025

Appendix 2

Equality Impact Assessment

Name of Policy to be assessed	ASB Policy	New policy or revision of existing?	Policy Review
Person(s) responsible for assessment		Housing Manager	
1. Briefly describe the aims, objectives and purpose of the policy.	To ensure that we have an accountable process to identify, record and put in place procedures to deal with incidences of anti-social behaviour, in accordance with legal provisions and contractual terms contained within the tenancy agreement.		
2. Who is intended to benefit from the policy? (e.g applicants, tenants, staff, contractors)	It applies to all tenants and staff that are responsible for implementing policy and procedures when tenants report any antisocial behaviour.		
3. What outcomes are wanted from this policy? (e.g the measurable changes or benefits to members/ tenants / staff)	• To give clear guidance on the process for dealing with anti-social behaviour by utilising both legal and non-legal means that exist within the existing legal provisions and best practice guidance • To ensure that our anti-social behaviour policy is in line with other policies, such as our allocations policy helps build safe communities • Work alongside partner agencies to tackle anti-social behaviour and promote remedies that compliments this policy • Ensure that we comply with regulatory requirements • To ensure that incidences of anti-social behaviour are dealt with in accordance with our equality and diversity policy • To ensure that complainants are kept informed of how their complaint is progressing.		
4. Which groups could be affected by the policy? (note all that apply)			
Age	x	Disability	x
Gender reassignment	x	Marriage and Civil Partnership	x
Pregnancy and Maternity	x	Race	x
Religion or Belief	x	Sex	x
Sexual Orientation	x		
5. If the policy is not relevant to any of the equality groups listed above, state why and end the process here.			

6. Have those affected by the policy / decision been involved?		
A full tenant consultation has taken place for this policy review using CX Feedback.		
7. Describe the likely positive or negative impact(s) that the policy could have on the groups identified above.	Positive Impact(s)	Negative Impact(s)
	None	none
8. What actions are required to address the impacts arising from this assessment? (This might include: additional data, putting monitoring in place, making adjustments, taking specific action to mitigate any potentially negative impacts)	N/A	

Signed:	<i>Rachel Cooper</i>
Dated:	07.08.2025