



Anti-Social Behaviour Policy

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SSHC Reference	Standard 1 – Equalities Standard 2 – Communication Standard 6 – Estate Management, Anti-Social Behaviour, Neighbour Nuisance and Tenancy Disputes Standard 11 – Tenancy Sustainment
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Related Documents

Related Documents

- Scottish Secure Tenancy Agreement
- Short Scottish Secure Tenancy Agreement
- Equality & Diversity Policy
- Unacceptable Actions & Behaviours Policy
- Domestic Abuse Policy
- HOME Argyll Allocations Policy
- Tenant Participation Strategy

Translation Statement

If you have any difficulties reading this information or need further help understanding our processes, please contact us. We can make this document available in a variety of formats. All you need to do is let us know what you need, and we will try to assist.

Compliance

This policy has been drafted to ensure that it complies with current legislation and industry good practice.

Equality & Diversity

Fyne Homes is committed to providing services which embrace diversity, and which promote equality of opportunity. As an employer we are also committed to equality and diversity within our workforce. Our goal is to ensure that these commitments, reinforced by our Values, are embedded in our day-to-day working practices.

Openness & Confidentiality

Fyne Homes believes that its members, tenants and other interested parties should have access to information on how it conducts itself. This means that unless information requested is considered commercially sensitive or personally confidential it will be made available on request.

General Data Protection Regulations

Fyne Homes recognises that the General Data Protection Regulations are an important piece of legislation to protect the rights of individuals in respect to any personal information that we may keep about them, whether on computer or in manual systems. We will treat your personal data in line with our obligations under the current data protection regulations and our own Data Protection Policy. Information regarding how your data will be used and the basis for processing your data is provided in our Transparency Statements

1 Introduction

- 1.1 The legal definition of Anti-Social Behaviour is set out in the Anti-Social Behaviour etc (Scotland) Act 2004.

A person engages in Anti-Social Behaviour if they:

“Act in a manner that causes or is likely to cause alarm or distress; or pursue a course of conduct that causes or is likely to cause alarm or distress, to at least one person who is not of the same household.

Conduct includes speech and a course of conduct must involve conduct on at least two occasions.”

(Section 143(1), Antisocial Behaviour etc. (Scotland) Act 2004)

- 1.2 Fyne Homes recognises the harmful impact that Anti-Social behaviour can have on our tenants and the wider community and therefore takes a firm and robust approach to addressing such behaviour.
- 1.3 We will take all complaints seriously, however, we will encourage all parties involved in a dispute to resolve issues through their own efforts first. Where it is not possible to resolve a dispute in this manner we will take appropriate action, which may include legal action.
- 1.4 We also recognise that effectively addressing Anti-Social behaviour requires a multi-agency approach with input from the Police, Environmental Services and other relevant agencies. It is also vital that we have the support of tenants and residents in implementing any actions to address problems.

2 Aim

- 2.1 The main aims of this policy are:

- To create and maintain safe, well managed and sustainable communities where tenants and residents can enjoy their homes free from Anti-Social behaviour.
- To provide a clear, fair and consistent approach to managing Anti-Social behaviour for tenants and service users to understand what constitutes Anti-Social behaviour and how complaints will be dealt with.
- To promote early intervention and prevention, using non legal remedies and support measures where appropriate to resolve issues and prevent escalation.
- To take firm and appropriate enforcement action, including legal remedies, where Anti-Social behaviour is serious, persistent, or poses a risk to others, and where other interventions have failed.
- To work in partnership with other agencies, to tackle Anti-Social behaviour effectively and adopt a multi agency approach to resolving problems.

- To ensure clear standards and outcomes are set and monitored for all categories of Anti-Social behaviour.

2.2 To achieve this, we aim to:

- Set clear expectations of behaviour through tenancy agreements, policies and communication with tenants and residents.
- Provide clear, accessible information on what constitutes Anti-Social behaviour, and how concerns can be reported and managed.
- Respond to complaints in a fair, consistent and proportionate manner, based on evidence and the circumstances of each case.
- Prioritise early intervention and preventative approaches, including advice, warnings, mediation and support measures where appropriate.
- Work closely with partner agencies to take a coordinated, multi agency approach to resolving complex or serious issues.
- Take firm enforcement action, including legal remedies, where behaviour is serious, persistent or poses a risk to others, and where other interventions have not been successful.
- Monitor and review clear service standards and outcomes to ensure accountability, consistency and continuous improvement.

3 Links to vision and strategic priorities

3.1 This policy aims to fulfil the needs of our Strategic Priorities, in particular:

- Promote a Safe and well maintained neighbourhood environment
- Provide Personalised advice and support to sustain tenancies
- Strengthen customer insight to drive continuous improvement

3.2 These priorities will be achieved through the consistent application of this policy and it's supporting staff procedures.

4 Legal Framework

4.1 This policy acts in accordance with:

- Antisocial Behaviour Etc (Scotland) Act 2004
- Housing (Scotland) Act 2001, 2010, 2014
- Scottish Social Housing Charter
- Data Protection Act 2018 and the UK General Data Protection Regulation
- Equality Act 2010
- Domestic Abuse (Protection) (Scotland) Act 2021
- Hate Crime and Public Order (Scotland) Act 2021

5 Categories of Complaint

- 5.1 There are different types of Anti-Social behaviour which can range in type and severity. When deciding if something is Anti-Social behaviour we will consider not just the statutory definition of Anti-Social behaviour, but also whether the behaviour is unreasonable. The level of response will reflect the seriousness and impact of the behaviour in each case.
- The frequency of the problem – we are unlikely to consider something as Anti-Social behaviour if it is a one-off incident, unless it is particularly serious.
 - We will consider how long each incident lasts and/or the times of day they are occurring.
 - The impact on the victim.
 - The intention of the alleged perpetrator and whether they mean to cause harm.
- 5.2 This policy applies not only to our tenants, but also to members of their household and to any visitors to the property.
- 5.3 Our policy categorises Anti-Social behaviour into 3 areas within which complaints will be addressed, recorded and monitored.
If after investigating the complaint the initial categorisation is incorrect, we will re-categorise the complaint and keep the complainant updated.

5.3...1 Category 1 – Serious Anti-Social Behaviour

This is unacceptable behaviour of a serious nature causing harm, fear or risk.

Examples:

- Violence or Threats of Violence
- Hate related incidents
- Drug dealing / misuse
- Serious harassment or intimidation
- Criminal damage (such as arson or repeated vandalism)

The complaint will be acknowledged immediately, and the investigation will commence within one working day. The target for completion and resolving these cases is 60 working days.

5.3...2 Category 2 – Persistent Anti-Social Behaviour

This is repeated or ongoing behaviour that causes disturbance or distress. It will include serious and persistent Anti-Social behaviour but not where physical violence or the threat of violence has been involved.

- Ongoing serious noise nuisance or disturbance at unreasonable times
- Repeated threatening and abusive behaviour
- Recurrent parties or gatherings causing disturbance
- Misuse of communal areas
- Vandalism and damage to property

The complaint will be acknowledged within 2 working days. The investigation will commence within 5 working days and the target for completion and resolving these cases is 40 working days.

5.3...3 Category 3 – Neighbour Nuisance

This is where there is a disagreement relating to any minor aspect of behaviour which causes nuisance and annoyance or unreasonably interferes with other people's rights to use and enjoy their home and community. This includes simple breaches of tenancy conditions and issues such as:

- Excessive noise
- Occasional disturbances at an unreasonable time
- Car repairs in inappropriate areas
- DIY at unreasonable times
- Nuisance caused by animals
- Continuous dog barking or fouling
- Nuisance caused by household members
- Neglect of garden or cleaning responsibilities
- Litter and rubbish dumping

The complaint will be acknowledged within 2 working days. The investigation will commence within 5 working days and the target for completion and resolving these cases is 20 working days.

6 Investigation and Remedies

6.1 Appropriate investigations will be undertaken following receipt of a report of Anti-Social behaviour. This will help us determine whether we have enough evidence to take further action in the case, and what the most appropriate course of action should be. We have a range of remedies and powers available to us and the most appropriate tool used will be based on a case by case basis.

6.2 The type of informal tools we may use are:

- Meeting with the alleged perpetrator
- Issuing written warning letters
- Increased tenancy management or monitoring
- Acceptable Behaviour Contracts
- Mediation
- Referrals to other agencies or support services

6.3 The types of legal action we will consider include:

- Serving a Notice of Possession Proceedings
- Court Action for Possession
- Streamlined eviction for serious Anti-Social behaviour
- Conversion of a Scottish Secure Tenancy to a Short Scottish Secure Tenancy
- Interim and Full Anti-Social Behaviour Orders (ASBO's)
- Interdicts

6.4 Keeping you informed – We will keep the complainant informed about the progress of our enquiries and we will respond in line with the timescales set out in this policy. We will explain what action has been taken and, where we are unable to take action, the reasons for this. However, we will not share any personal information about the perpetrator.

7 Additional Considerations and Safeguards

- 7.1 **Evidence** – We will take action proportionate to the complaint and in line with our responsibilities as a landlord. We cannot however take forward cases where reports are unsubstantiated. We need clear corroborating evidence before we can take action against someone for Anti-Social behaviour. If there is not enough evidence, we may not be able to take any action. Evidence can include a pattern of similar behaviour over time, statements from more than one witness, visual evidence such as photos or videos and reports from partner agencies such as Police Scotland or the Local Authority.
- 7.2 **Criminal Convictions** – Where a tenant, joint tenant, or any person living in or visiting the property is convicted of using, or allowing the property to be used for, illegal or immoral purposes, or is convicted of an offence punishable by imprisonment committed in, or in the vicinity of the property, we will take appropriate action against the tenant in accordance with tenancy conditions and legal requirements.
- 7.3 **Hate Crime** – We will treat Hate Crime as Serious Anti-Social behaviour and we will work in partnership with other agencies to resolve it and provide support to the victim where appropriate. Incidents will be prioritised and, where appropriate, reported to Police Scotland. We will refer to the hate crime legislation when dealing with reports of crime which is perceived by the victim or any other person as being motivated (wholly or partly) by malice or ill towards a social group.
- 7.4 **Domestic Abuse** – We recognise that domestic abuse is distinct from Anti-Social behaviour and requires a sensitive, victim centred response. Where behaviour reported as Anti-Social behaviour is identified as domestic abuse, it will not be progressed solely under this policy. Instead, we will respond in line with our Domestic Abuse Policy, taking appropriate action to support those affected, reduce the risk of further harm, and work with partner agencies where necessary.
- 7.5 **Anonymous complaints** – Anonymous complaints can be difficult for us to investigate and take action, therefore, we encourage complainants to give their contact details when making a report as often we are limited as to what investigation we can carry out without these details.
- 7.6 **Confidentiality** – We appreciate that sometimes a complainant may wish their identity to remain confidential and whilst we often do not need to name the complainant when carrying out our investigations, their identity may be obvious from the details of the report. This will be explained to the complainant in these circumstances. Furthermore, there may also be limits to the confidentiality we can maintain. If a complainant discloses information that indicates a possible criminal offence or suggests that they or others may be at serious risk of harm, we may be required to share this information with an appropriate agency, regardless of the complainant's wishes. Should such a situation arise, we will explain these limitations to the complainant.
- 7.7 **Vexatious complaints** – We will not accept vexatious or malicious complaints which set out to harass, undermine or injure staff, contractors and or other service users or

which set out to obstruct normal working practice. We consider individuals to be vexatious when they use actions to cause unnecessary aggravation or annoyance rather than to resolve a dispute. Further information on how these complaints will be handled are detailed in our Unacceptable Actions and Behaviours Policy.

8 Multi Agency Approach

- 8.1 We recognise the importance of working closely with other agencies to effectively manage disputes and Anti-Social behaviour. Fyne Homes has an Information Sharing Protocol in place with Police Scotland, and our staff participate in multi-agency meetings where appropriate. This allows us to take a coordinated approach with partner agencies to tackle ongoing and complex Anti-Social behaviour cases.
- 8.2 We also recognise that our input might be equally valuable to other agencies when they are attempting to resolve non housing issues and will commit to working with them in a reciprocal arrangement.

9 Action against non-tenants

- 9.1 We will take appropriate action where non-tenants are responsible for Anti-Social behaviour that impacts on our ability to manage our housing function effectively. This includes situations where the behaviour adversely affects our tenants, staff or contractors.

10 Closure of Cases

10.1 We will consider the case is closed when:

- We have taken appropriate action in line with this Policy and our associated staff procedures to address the cause of the complaint and the complainant has been advised of the outcome; or
- We do not have the authority or powers to take further action and we have provided the complainant with a clear explanation of our position; or
- The reported behaviour has been assessed and we have determined that it does not constitute Anti-Social behaviour.

10.2 When a case is closed, we will write to the complainant to confirm this. We will also issue a satisfaction survey for completion. The survey helps us understand the complainant's experience, assess the quality of our service, and identify areas where we can improve how we manage and respond to Anti-Social behaviour cases.

11 What is not Anti-Social Behaviour

- 11.1 We understand that people's tolerance levels and expectations differ, and that occasionally something may be viewed as Anti-Social even though it is not unreasonable behaviour.

11.2 If behaviour does not meet the legal definition of Anti-Social behaviour, or we determine that it is not unreasonable, it will not be treated as Anti-Social behaviour. This includes, but is not limited to:

- Noise that is not persistent and/or intentional which occurs during normal daily working hours
- People walking across floors in their home
- People using household appliances such as a vacuum cleaner, washing machine, tumble dryer
- People mowing their lawns
- Untidy gardens
- Children playing outdoors / in common areas
- General family lifestyle noise or issues such as:
 - Cooking smells
 - Televisions
 - People talking in their homes or gardens
 - Children coming home from school
 - People playing with their pets
 - Differing lifestyles e.g. those working different shifts, or with other lifestyle clashes

11.3 We are unlikely to get involved in situations where two neighbours have fallen out and are both unhappy with each other. As a landlord, we cannot manage personal disagreements between neighbours. We expect people to show basic courtesy and consideration towards those living around them and to take responsibility for resolving minor issues themselves.

12 Managing and Reporting

12.1 **Management of Anti-Social Behaviour:** The Housing Services Director has overall responsibility for the effective oversight, implementation and review of this Policy. Housing Team Leaders are responsible for ensuring the key requirements of the Policy are implemented consistently in practice and that cases are managed appropriately. Responsibility for carrying out specific tasks within the Anti-Social behaviour process is delegated to Housing Officers, in line with their roles and responsibilities.

12.2 **Reporting:** Fyne Homes will monitor performance on Anti-Social Behaviour using both statutory and local performance indicators:

- **Statutory Performance Indicators – Scottish Social Housing Charter:**
 - Percentage of tenants satisfied with the overall service provided by their Landlord.
 - Percentage of tenants who feel their Landlord is good at keeping them informed about their services and decisions
 - Percentage of Anti-Social Behaviour cases reported in the last year that were resolved.
 - Percentage of court actions initiated which resulted in eviction and the reason for the eviction.
- **Local Performance Indicators:**

- Number of Anti-Social Behaviour cases reported, broken down by area and category.
- Average length of time taken to resolve cases, by area and category.
- Feedback from the complainant satisfaction survey on the effectiveness of our handling of the case.

12.3 **Targets:** Performance will be monitored regularly and reported to the Management Committee on a regular basis. The Housing Services Director will review the targets annually, informed by performance data, and will present any proposed changes to the Management Committee for consideration and approval.

13 Reviewing Process

13.1 This policy will be reviewed in line with the respective current Fyne Homes' policies, and/or where a change in legislation arises.

13.2 If there is a procedural delay in the policy revision then the relative legislation in force at the time will prevail.

Version number	Revision Date	Part of doc revised	Reason for revision	Approved by