



Govanhill
HOUSING ASSOCIATION

Anti-Social Behaviour Policy

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1.0 INTRODUCTION

This Anti-Social Behaviour (ASB) Policy was developed in consultation with tenants, staff, and Board members. This policy explains our approach to tackling reports of ASB.

Govanhill Housing Association (GhHA) recognises our tenants right to a safe, secure, and peaceful environment.

This policy details how GhHA will respond to neighbour complaints and incidents of ASB. We recognise that ASB is not just a housing management issue, and we will work with external agencies where this helps to resolve issues.

GhHA offer tenancies to people with many different housing and social needs. We ask our tenants to show consideration and tolerance to their neighbours and act responsibly within their community. This policy applies where G

hHA tenants or members of their family or visitors to their households are behaving anti-socially.

2.0 COMPLIANCE WITH PERFORMANCE STANDARDS, LEGISLATION AND GOOD PRACTICE

This policy has been developed within a framework that ensures proper compliance with legislation, regulatory advice, and good practice.

The main legislative provisions relating to the policy are:

- Housing (Scotland) Act 2014.
- Housing (Scotland) Act 2010.
- ASB etc (Scotland) Act 2004.
- Housing (Scotland) Act 2001.
- Equality Act 2010.
- Data Protection Act 2018.
- Human Rights Act 1998.

The Anti-Social Behaviour etc. (Scotland) Act 2004 defines Anti-Social Behaviour as “to act in a way that causes or is likely to cause alarm or distress to anyone; or behave in a way that causes or is likely to cause alarm or distress to at least one person not of the same household as them”.

The legislation does not provide a comprehensive list, but suggest the following could be classed as anti-social:

- Noise pollution
- Vandalism and graffiti
- Intimidation and harassment
- Racial harassment and other hate behaviours that target members of identified groups because of their perceived differences

- Using our properties to grow or sell drugs or for any other illegal purpose

2.1.1 The Scottish Social Housing Charter (the Charter)

This policy aims to meet the Scottish Government’s Scottish Social Housing Charter Outcomes 1, 2, 6 and 11:

- Outcome 1 – Equalities - 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 - 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 6 - Estate Management, ASB, neighbour nuisance and tenancy disputes - tenants and other customers live in well-maintained neighbourhoods where they feel safe.
- Outcome 11 – Tenancy Sustainment – 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.

These outcomes cover a range of actions that social landlords can take on their own and in partnership with others. It covers action to enforce tenancy conditions on estate management and neighbour nuisance, to resolve neighbour disputes, and to arrange or provide tenancy support where this is needed. It also covers the role of landlords in working with others to tackle ASB.

2.1.2 Scottish Secure Tenancy (SST) The SST, Chapter 3

“Respect for Others” makes clear what is expected of tenants and give examples of what tenants must not do. This policy covers breaches of SST only and any action taking is in line with legislation. You, those living with you, and your visitors, must not harass or act in an antisocial 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.

2.1.3 Best Practice

This policy also reflects Govanhill Housing Association’s commitment to tackling ASB in line with the Sustaining Tenancies and Preventing Homelessness Statement of Best Practice for Joint Working between Glasgow Health and Social Care Partnership and Registered Social Landlords.

In relation to ASB this statement sets out that:

- RSLs will take all appropriate steps to assist and ensure that tenants adhere to their conditions of tenancy and follow their policies on ASB.

- RSLs are committed to ensuring that appropriate support and advice is available to tenants to assist them in conducting their tenancy in an appropriate manner. Where steps agreed with a tenant are not adhered to RSLs will ensure that appropriate intervention takes place to assist the tenant wherever possible prior to taking any legal action as outlined below. This can involve Community Safety Glasgow, Police Scotland and appropriate HSCP staff and voluntary sector projects.
- Where all possible measures have been exhausted, steps will be taken in accordance with RSLs Policies and Procedures.
- Best practice in relation to ASB will be governed by the principle that the best means of improving quality of life is to stop the behaviour if possible.

3.0 PRINCIPLES AND SCOPE OF POLICY

Our policy and procedures are clear and transparent on how GhHA will deal with complaints of ASB and details the responsibility of GhHA our tenants and factored owners. We shall respond promptly and appropriately to neighbour complaints and incidents of ASB with legal action as a last resort. We will provide advice and sign posting to other owners on actions they may wish to take or as an owner be expected to take.

We recognise that ASB is not just a housing management issue and will work with external agencies where this helps to resolve problems. We shall, however, take firm action against tenants who persistently commit serious breaches of tenancy conditions. ASB can be difficult to define. It can involve incidents from minor nuisances, noise and neighbour disputes which can escalate into ASB through to serious violence or intimidation.

4.0 AIMS AND OBJECTIVES OF THE POLICY

GhHA aim to be proactive in fulfilling our legal obligations as a landlord. This will include the following –

- Ensuring that tenants meet the legal obligations set out in their tenancy agreement.
- Provide good quality information to promote good tenancy relations.
- Treat all complainants with respect and confidentially and offer support, throughout the complaints process.
- Provide support and assistance to the victims of ASB. Work proactively with other agencies, and other organisations taking a multi-agency approach to tackling ASB.
- Give clear guidelines to staff, supported by written procedures, on how to deal effectively with reports or incidents of ASB or harassment.
- Ensure staff are fully trained and supported so that they have the appropriate skills and time to deal with issues that arise That all tenants feel confident and

able to report problems of neighbour nuisance and ASB and understand remedies available to address problems.

- Ensure tenants fulfil their legal obligations in relation to their tenancy agreement. Respond quickly to complaints in an effective, sensitive, and consistent manner by undertaking thorough investigations, ensuring accurate record keeping and keeping complainants informed of progress.
- Advise tenants of the actions they can take in response to ASB. Encourage mediation and communication to tackle problems early and effectively and to minimise the risk of escalation.
- Monitoring and reviewing incidents of ASB identifying trends and intervening as appropriate.

5.0 OUR APPROACH: PREVENTION, PARTNERSHIP WORKING AND ENFORCEMENT

GhHA aims to build sustainable communities and will be proactive in taking a range of prevention, intervention, and enforcement measures to combat nuisance and ASB.

5.1.1 Prevention

We will do all we can to minimise the occurrence or potential for ASB by being very clear on expectations and responsibilities for both GhHA and our tenants.

We will:

- Carry out pre-tenancy checks before arranging sign-up of new tenants.
- Advise all new tenants of their responsibilities and promote being a good neighbour.
- Visit every new tenant within the first six weeks of their new tenancy.
- Undertake regular estate inspections, identifying any security or vandalism issues, graffiti, etc.
- Provide a responsive maintenance service which responds quickly to reports of graffiti, fly tipping damage to property e.g., smashed windows.
- Signpost vulnerable tenants (both alleged perpetrator and victim) for appropriate tenancy support.
- Work with key partners (See Partnership Working below) to ensure a joined-up approach to tackling ASB “hot spots”.
- Raise awareness on how to minimise ASB through our newsletter, website, and tenant handbook.

5.1.2 Partnership Working

The Glasgow City-wide approach to tackling ASB recognises that effective responses to ASB will include preventive and diversionary measures as well as work with perpetrators to support and sustain changes in behaviour.

There are several organisations, both statutory and voluntary, which may be able to prevent complaints from recurring or escalating or may be able to resolve complaints through direct intervention.

Organisations that may assist in resolving anti-social complaints include:

- Police Scotland.
- Community Relations Unit (CRU). CRU provides comprehensive mediation services to all social landlords, their tenants, and residents involved in disputes.
- Glasgow City Council services, including Environmental or Cleansing Services, Social Work Services or Community Justice Services.
- Other appropriate Health and Social Care Partnership staff.
- Scottish Fire & Rescue Service. The Police, Social Work Services, and other services may be involved in resolving ASB complaints depending on the type of complaint.
- Voluntary agencies, such as Victim Support Scotland, may also be usefully involved where they provide support, information, and advice to people who are affected by ASB.
- Health & Social Care Partnership and other external support services e.g., Shelter, Women's Aid, Lesbian, Gay, Bisexual and Transgender organisations.
- Registered Tenant Organisations and other community groups.

5.1.3 Health Issues

It is possible for individuals to display ASB due to health conditions. Where an individual has, or is suspected of having such a condition, advice will be sought from experts in the area on available support. This will be done in line with GDPR legislation. This does not preclude action being taken but the wider circumstances and support being made available will be fully considered. Decisions will be taken on a case-by-case basis.

5.1.4 Enforcement

We encourage tenants to be tolerant and mindful of neighbours. We will provide as much support and assistance as possible to any tenant experiencing ASB.

Before investigating a case of ASB, we will look to ensure the tenant has:

- Considered whether their neighbour's different lifestyle really is unreasonable.
- Tenants will be expected to report all issues of a criminal nature directly to the Police at the time of the incident.

5.1.5 Remedies to ASB

We will be able to take the following non-legal and legal remedies depending on the circumstances –

Non-Legal-

- Referral to Mediation – Individual, and shuttle mediation. Meetings/Verbal/written warnings – Formal recordings will be made of all interactions to ensure evidence is gathered to support any legal action.
- Recharging residents – when appropriate.
- Acceptable Behaviour Contracts (ABC): This is a voluntary agreement between the person who is behaving anti-socially and any other relevant people (for example, us as the landlord, the police, or social workers). The aim of the ABC will be to help the person who is behaving anti-socially to understand how it affects other people and to stop behaving in that way.
- Unacceptable Behaviour Contracts (UBN): These are used where a person refuses to sign an ABC and allows the Association to act. These contracts are usually counter signed by Police Scotland.

Legal Remedies -

- ASB Orders, in conjunction with Police Scotland and Glasgow City Council - Sheriffs can now grant an ASBO or interim ASBO against an individual aged 12 or over who is repeatedly involved in ASB and where existing options are not working. Interim ASBOs can be made before the full evidence is heard if there is a pressing need to protect people. We will contact the Health & Social Care Partnership where there is an intention to seek an ASBO or interim ASBO.
- Interdicts – Where appropriate we will liaise with Police and our solicitors Short Scottish Secure Tenancies (SSST) - for new tenants or to convert an existing tenancy to a SSST where an existing tenant has acted in an antisocial manner within the last three years.

The Housing Scotland Act 2014 empowers RSL's to convert a Secure Tenancy into a Short Scottish Secure Tenant with the provision of appropriate support. If we are planning to convert a current tenancy into a Short Scottish Secure Tenancy because of ASB we will seek to arrange a joint discussion between ourselves, our tenant, an appropriate representative of the HSCP and other appropriate services.

We will make our tenant aware that they have a right to be accompanied by an independent advocate. The purpose of the Joint Discussion is to discuss the problem, explain to the tenant the seriousness of the problem and to develop a plan of action to prevent eviction and deal with the ASB. The Joint Discussion will also examine the impact that any proposed eviction or ASBO would have on children or other vulnerable family members. If the arrangements put in place following a Joint Discussion breakdown, we will notify the HSCP at the earliest opportunity.

- Tenancy-related legal action: We will work with tenants to support and sustain their tenancy but in extreme cases we may need to act which results in a tenant losing their home. In cases of conviction for serious criminal activity in or around

the tenancy location, we will seek to bring the tenancy to an end except in exceptional circumstances. We will also contact the HSCP where there is an intention to take legal steps to evict.

5.1.6 Low level, non-corroborated and lifestyle complaints

There are some situations and behaviours which do not constitute typical ASB and there is very little we can do to resolve these issues. We understand people have differing lifestyles and perception which can result in some low-level issues occurring. We will investigate these; however, it is unlikely that these issues will be accepted or actioned as ASB. Examples include, but are not limited to the following:

- Noise from vehicles in the street or from business addresses - this can potentially be reported to Glasgow City Council/ Environmental Health or the Police on 101.
- Door banging or people walking across floors or going up and down stairs.
- Noise from washing machines, vacuum cleaners, mowers between 9am – 9pm
- Parking disputes - this can potentially be reported to Glasgow City Council/ Environmental Health or the Police on 101.
- Children playing in an appropriate manner and at a reasonable time.
- Children playing or falling out/noise from games.
- Problems with the behaviour of staff from other agencies e.g. Glasgow City Council. - this should be reported directly to the appropriate agency.

We also recognise that, in some circumstances, there may be limits on what GhHA can do to resolve alleged ASB. Examples include where:

- There is no evidence or corroboration to support the claims.
- An investigation concludes that there was no evidence of ASB or breach of tenancy.
- It is a one-on-one neighbour dispute.

5.1.7 Neighbour disputes involving owners or people renting from a private landlord

ASB may involve our tenants but could also involve people who own their home or who are renting from a private landlord.

We treat complaints from or about owners and those renting in the private sector seriously and give advice and act where we can. We will work with other agencies, including the Police if appropriate, to try and resolve any problem. There are some occasions, however, when we may not have the powers to take further action.

5.1.8 Steps tenants can take to help resolve ASB

- Being aware of the mixed society we live in and show tolerance to other people who may have a different background or lifestyle, be of a different race, ethnicity, disability, sexual orientation, gender, age, cultural or religious beliefs.

- Realising that your enjoyment of life at home should not cause a neighbour any distress.
- Read and understand the terms of your tenancy agreement and ensure that all behaviour complies with this.
- Make children and visitors aware of the need for good, neighbourly behaviour.
- Reporting incidents to us and other relevant agencies such as Police Scotland or the Council.
- Keep us informed of details of ongoing problems.
- Assist us with keeping records of nuisance and ASB.
- Do not make malicious or vexatious complaints which are complaints without basis.
- Understand that we will use a range of measures to try and tackle ASB and resolve problems depending on the severity of the case.
- Legal Action is not appropriate in all cases and if we do decide to take such action it will be a last resort.
- Understand the limitations we have as a landlord when trying to deal with cases of anti- social behaviour.
- Co-operate with GhHA in trying to resolve ASB, including attempting mediation.

5.1.9 Malicious or Vexatious Complaints

The making of malicious or vexatious complaints can be a form of harassment or ASB whereby an innocent resident is subject to unfounded, exaggerated, or dishonest complaints by someone seeking to cause a detriment to that innocent resident.

A vexatious complaint is a complaint without any merit which has been made solely to harass or intimidate another resident or a member of staff.

A malicious complaint is a complaint that is false, and the intention is to cause harm or damage to another resident or a member of staff.

Whilst GhHA staff will respond to complaints made in line with the policy, part of their investigation may have to include the possibility that the complainant may have certain motives for making the complaint.

Staff will need to be aware of such possibilities when investigating complaints and if it becomes clear that the complainant is malicious or vexatious then the appropriate action will be taken against the perpetrator as would be for any other form of harassment or ASB.

6.0 REPORTING, COMPLAINT CATEGORIES AND TARGETS FOR RESOLUTION

Customers can report anti-social and nuisance behaviour to GhHA in a number of different ways which includes telephone call, email, letter or through face-to-face contact with any member of staff from GhHA.

There are different types of ASB and the speed with which we will act may depend on the severity of the reported behaviour.

We have set out in the table below the performance targets for each category of complaint. Regardless of what category each complaint comes under GhHA have a zero-tolerance approach to any ASB and will take all possible steps available to resolve all complaints at an early stage to avoid them escalating. In cases where we have raised court action to recover the tenancy closure resolution may depend on the timescales of the Sheriff Court.

CATEGORY A – VERY SERIOUS

- Hate crimes including racism, homophobia, sectarian abuse and harassment of people with disabilities
- Assault and physical violence and the threat of assault and physical violence
- Serious harassment
- Verbal / written harassment, intimidation and aggressive behaviour
- Use of a knife, firearm or other weapon and the threat of a knife, firearm or other weapon
- Wilful fire raising
- Causing major damage to our property
- Alleged drug dealing and cultivation
- Housebreaking

CATEGORY B – SERIOUS

- Excessive noise nuisance, disturbances and rowdy behaviour including shouting, swearing, arguments, fights, music, TV, instruments, DIY
- Unacceptable behaviour of children or visitors
- High level vandalism including graffiti

If incidents are persistent and continue within a three-month period after we have already taken action against the perpetrator, the patch Housing Officer has authorisation to categorise any new reports as a Category A.

CATEGORY C – LESS SERIOUS

Improper disposal of household refuse and bulk including fly-tipping

- Littering
- Causing a mess in the close, back court or other communal areas including spitting
- Throwing items out of windows
- Smoking in the close
- Pets causing a nuisance including constant barking, fouling and not being kept on a lead
- Not maintaining individual garden areas to a satisfactory standard
- Storing items in the close
- Neighbour disputes over boundaries and use of communal areas

- Low level vandalism including graffiti

If incidents are persistent and continue within a three-month period after we have already taken action against the perpetrator, the patch Housing Assistant will liaise with the Housing Officer to seek authorisation to categorise any new reports as a Category B.

ACTION	CATEGORY A – VERY SERIOUS	CATEGORY B - SERIOUS	CATEGORY C – LESS SERIOUS
Lead Officer Responsible for managing case	Patch Housing Officer	Patch Housing Officer	Patch Housing Assistant
Case closed / resolved	Within 5 working days	Within 10 working days	Within 12 working days

We define resolved as meaning - action has been taken to address the cause of ASB in line with our policy and the complainant has been advised either verbally or by letter/email of the outcome. The initial investigation of all cases and the resolved target timescale includes 24 or 48 hours from when the office reopens if reported on-line after working hours or at the weekend.

7.0 SOCIAL MEDIA

Unfortunately, some people use social media for making offensive and/or inappropriate comments. Unpleasant or offensive comments directed at tenants on social media sites will not be dealt with by GhHA, unless there is a criminal offence, where Police Scotland has been involved. A criminal offence may include threats to kill, threats to cause damage, criminal conduct amounting to harassment and comments that incite racial hatred and violence.

For general unpleasant or inappropriate posts, in the first instance, tenants will be advised to contact the social media site on which the comments have been made and ask for their assistance. If they believe they have been libelled to the extent that they wish to take legal action, they will be advised to obtain their own legal advice.

Action will be taken with regards to any unpleasant or offensive comments made by tenants which are directed towards staff or the Association. The appropriate action will be determined on a case-by-case basis.

8.0 DOMESTIC CCTV CAMERAS

GhHA recognises that some of our tenants may feel more secure if they install external CCTV or a Ring Doorbell Camera to deter crime or if they have been experiencing problems of ASB. These devices are becoming increasingly popular. In contrast, we also recognise that some tenants may find the installation of a CCTV camera on their neighbour's home a breach of their privacy.

Tenants who wish to install a CCTV device, where this is attached to the structure of the building, should apply for permission in writing before installation, clearly stating the reasons for the request. Tenants seeking to install domestic CCTV and those with concerns in relation to the use of CCTV will be issued with GhHA's leaflet on CCTV and advised to read the Information Commissioner's website for guidance on the Code of Practice on domestic CCTV.

Please note, CCTV footage cannot be used as supporting evidence for GhHA ASB claims.

9.0 MONITORING AND REPORTING

GhHA has a statutory duty to complete the Annual Return on the Charter (ARC) to the Scottish Housing Regulator. This provides key information on our performance in resolving ASB complaints. This includes:

- Number of cases reported within the year.
- Number of cases resolved within the year.
- Number of cases resolved within the locally agreed targets.
- Percentage of ASB cases reported which were resolved within the locally agreed targets.
- Number of conversions to SSST
- Number of evictions where the primary reason was ASB

ARC information is reviewed by our committee, and we also report this performance information to our tenants via our newsletter and on our website. We also provide performance monitoring information to GhHA's Tenancy Services Sub Committee (as per the committee cycle), and we will provide updates to tenants through newsletters and on our website.

We have introduced a tenant feedback form, and we will provide annual reporting information to the Tenancy Services Sub Committee as well as to our tenants via our newsletter.

10.0 MANAGING ASB IN OUR LEASED PROPERTIES

We have a number of properties that are leased to other agencies such as Glasgow City Council and these properties are used by these agencies to provide temporary accommodation for a number of different reasons.

In order to manage these situations promptly and effectively we will:

- Maintain regular contact and good working relationships with agencies who lease our properties
- Ensure that incidents reported to us are reported to the appropriate agency
- Escalate to a Senior Housing Officer if the nuisance continues
- Issue a letter to the agency concerned outlining incidents and our concerns
- Serve notice on the agency to vacate if complaints continue

11.0 COMMITTEE MEMBERS AND ASB

As committee members may be tenants, they will be treated in the same manner any tenant of the Association would be. Any committee member found to be the perpetrator of ASB complaints will also therefore be in breach of the Code of Conduct for governing body members. If a committee member is found to be the preparator of ASB the matter will be passed to Committee to discuss and an invite to resignation may be asked.

12.0 COMPLAINTS AND APPEALS

GhHA welcomes complaints and positive feedback, both of which provide information which helps us to improve our services. We use a complaints handling procedure (CHP) developed by the Scottish Public Services Ombudsman (SPSO) and the Scottish Housing Regulator.

The CHP allows for most complaints to be resolved by front line staff within a five-day limit (first stage), or if the complaint is complex, a detailed investigation will be coordinated by our Information Office within a 20-day limit (second stage) and reviewed by Head of Service prior to issue.

At the end of the second stage if the customer remains dissatisfied, they can refer the matter to the SPSO.

13.0 EQUAL OPPORTUNITIES STATEMENT

We recognise our pro-active role in valuing and promoting diversity, fairness, social justice, and equality of opportunity by adopting and promoting fair policies and procedures. We are committed to providing fair and equal treatment to all applicants and tenants and will not discriminate against any on the grounds of race, colour, ethnic or national origin, religion, age, gender sex, sexual orientation, marital status, family circumstances, employment status or physical ability.

14.0 POLICY REVIEW

This policy will be subject to review every 3 years unless significant changes in the operating environment dictate otherwise.