



Gardeen Housing Association Ltd
Building a Better Future

GARDEEN HOUSING ASSOCIATION

ESTATE MANAGEMENT POLICY

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1. INTRODUCTION

- 1.1 Gardeen is a Community Based Housing Association and is keen to work closely with tenants to ensure that properties and the area as a whole are well maintained by both tenants and the Association.
- 1.2 Gardeen aims to ensure that tenants enjoy a peaceful, clean and tidy environment - this can be achieved by operating an effective estate management policy and working closely with tenants to ensure that it is implemented.
- 1.3 This Policy will cover estate management including maintaining common areas such as front and back communal areas, bin areas, stairs and close entrances.
- 1.4 It will also cover the issues of neighbour disputes and anti-social behaviour.
- 1.5 Other issues of estate management such as repairs services, void properties, design and constructions and tenant participation are detailed in separate policies.
- 1.6 In taking all decisions, and considering all matters raised in this policy, the Association will take into account that everyone has a human right to respect for their family life and their home.

2. OBJECTIVES

The Association aims:

- 2.1 To ensure that the housing stock and environment are maintained to the best possible standard, ensuring the efficient and effective upkeep of all common areas.
- 2.2 To provide support and advice to tenants, promoting a good tenant and landlord relationship, clearly defining the respective duties and responsibilities of both residents and the Association.
- 2.3 To respond to all estate management problems within 7 working days.
- 2.4 To encourage tenants to become more involved in the area to promote good community spirit and resident participation in the estate management process.
- 2.5 To ensure that tenants enjoy a clean and tidy environment and as far as possible promote maximum enjoyment of their home.
- 2.6 To ensure that no person is treated less favourably than others because of their race, ethnic or national origin or because of: religion or belief; age; sex; sexual orientation; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity or race.
- 2.7 To ensure that residents are informed on estate management issues; policies; procedures; responsibilities, including neighbour disputes and the Association's complaint procedures.
- 2.8 To liaise with other appropriate organisations and agencies in providing an effective estate management service (e.g. Environmental Health, Cleansing, Street Lighting, Police Scotland, Community Safety Glasgow etc.).
- 2.9 To carry out regular estate management visits to all common areas.

- 2.10 To regularly monitor and evaluate all aspects of the estate management service and review and revise the Policy as required.
- 2.11 To ensure that the Policy complies with statutory requirements; the Housing Regulator Guidance and performance standards for registered social landlords and best practice. The Association will also benchmark against other housing associations in Scotland.

The Policy will also comply with the Scottish Social Housing Charter outcome regarding Neighbourhood and Community. This outcome states that social landlords, working in partnership with other agencies, will help ensure that tenants and other customers live in well-maintained neighbourhoods where they feel safe.

3. ESTATE MANAGEMENT STANDARDS

The Association sets minimum standards for all activities which are dealt with under estate management and clearly establishes the obligations of the landlord and tenant with preventative measures to minimise problems.

It is therefore vital that all existing and prospective tenants are fully aware of the standards of cleanliness of closes and common areas, tidiness of gardens, internal decoration and tenants' general behaviour that are expected by the Association.

3.1 Resident Involvement

- (a) The Association's Tenant Participation Policy includes a stated aim of ensuring that the Association properly serves the requirements of the communities it operates in through the positive and active participation of members of the community.
- (b) Residents will be consulted, as far as possible, on issues affecting their estate or area.

The Association recognises that only the residents of an estate fully experience life there and to make their community successful should have a say in how it is managed and what services are provided.

- (c) Consultation can take various forms including, but not limited to: Committee membership; newsletters; surveys; close and street meetings; individual and/or public meetings; Charter Focus Group meetings; the Association's Consultation Register; the Association's website; social media including Facebook and Twitter; the Gardeen App and consultation leaflets and posters.
- (e) Where appropriate the Association will develop Estate Action Plans in consultation with local residents.

3.2 Visits

- (a) Inspections of common areas and tenement closes will be carried out no less than monthly by Association staff and weekly records kept regarding findings at visits and remedial action required if applicable.

3.3 Meetings

- (a) The Association will consult and meet with residents on a regular basis.
- (b) Ideally, the Association would like to meet with residents annually, but problem areas and closes will have meetings as required. The Association will concentrate on areas where there is an obvious demand for discussion, consultation and action.
- (c) Residents will be given the opportunity to call close, block, street or estate meetings in a format to be agreed with the residents. This might take the form of a notice signed by (say) a majority of tenants in the close, block, street or estate.
- (d) Individual complaints or repairs will not be discussed at these meetings. The meetings should cover general problems on areas such as procedures, response times, quality of work, length of time dealing with problem, etc., rather than specific complaints.
- (e) Residents will be encouraged and supported in setting up their own groups and forums for discussion separately from these meetings.

3.4 Estate Action Plans

- (a) In certain circumstances the Association will agree a local Estate Action Plan with residents.

This will usually apply where there is a clearly defined area or estate managed mainly by the Association and there is interest from residents to be involved in this process.

- (b) The Estate Action Plan will:
 - ◆ Identify problems within an estate or neighbourhood
 - ◆ Identify, evaluate and prioritise action required
 - ◆ Establish and monitor performance targets
 - ◆ Cover areas such as: open spaces maintenance; repair targets; close and bin area cleaning; security; conditions of tenancy and improvement work.
 - ◆ Encompass liaison with other agencies and community groups covering issues such as: crime prevention; tackling vandalism; roads, street lighting, safety and community development.

4. **COMMON AREA MAINTENANCE**

It is the responsibility of each tenant to ensure that all communal areas e.g., stairs, landing, bin store, front/back close and door etc, are cleaned on a regular basis, in accordance with the stair cleaning/bin store cleaning rota.

An annual close cleaning rota is issued to ensure that tenants know when to take a turn to clean.

Failure to clean communal areas is a breach of the tenancy agreement.

4.1 Closes, Stairs and Bin Areas

- (a) Stairs should be swept down then mopped with hot, soapy water and then dried. Residents on upper floors should clean their landing and the stairs down to the landing below. Where there is no ground floor flat the Association's contractor will carry out this work.

Accessible windows and doors should also be cleaned regularly by residents.

- (b) The Association will clean the storage areas and drying areas (where applicable) in the common closes. The Association accepts no liability for items left in the storage areas. These are left at tenants' own risk. Tenants are reminded to keep these storage areas locked at all times for security.

The Association will accept responsibility for empty properties and medically exempt tenants where:

- there is no other no other person in the household aged 16 years or over who can carry out this work on behalf of the tenant;
- the tenant (or both tenants if a joint tenancy) have provided medical evidence detailing why they are unable to cut their grass. This would usually take the form of a letter from their General Practitioner.

This service is at the discretion of the Association and is subject to there being a place available on the waiting list which is reviewed annually.

Each close has the opportunity to elect a close representative who can act on behalf of all the neighbours.

Tenants must ask for written permission to erect trampolines, paddling pools or inflatable swimming pools in communal garden areas. These must be secured for health and safety purposes and dismantled and stored elsewhere between October and March each year to allow maintenance to the communal garden areas. If a tenant with their own garden erects a trampoline, paddling pool or inflatable swimming pool it must not cause a nuisance to neighbours or damage to Association property.

(c) Monitoring

Stairs and common areas will be inspected on a regular basis. The Senior Housing Officer and Property Services Assistant will complete inspection sheets weekly which detail information requested by our insurance broker (appendix 9).

Where a tenant fails to clean all or part of the communal areas, the Senior Housing Officer /Property Services Assistant will investigate this -

1. Initially this may require a visit/card/Close Cleaning Letter 1 (appendix 1) reminding the tenant to clean, followed by a further inspection within two days - the visit allows the Association to investigate whether the matter has been rectified.
2. Where the tenant fails to respond to the request, Close Cleaning Letter 2 (appendix 1) will be issued, stating that the condition of the communal area(s) concerned is giving the Association cause for concern, and requesting the situation be resolved prior to the next tenant taking a turn to clean and stating that the tenant is in breach of the tenancy agreement.
3. If after this request the tenant has still not taken a turn to clean, the tenant will be requested to call into the office to discuss the matter further. This will be a final attempt to allow the tenant to accept the condition of their tenancy agreement.
4. If at this point there has been no resolution, the Senior Housing Officer and Property Services Assistant will decide on any further action after considering the seriousness of the case. This may involve requesting Environmental Health to visit in a health and safety capacity or instructing the Association's contractor to do the work and recharging the tenant responsible.

Where an entire close is in poor condition, all tenants in that close will be contacted and, if necessary, a close meeting will be arranged.

It is intended at the initial stage to determine the seriousness of the case and make tenants aware of their responsibility.

4.2 REFUSE COLLECTION/UPLIFTING OF BULK ITEMS

Domestic Refuse

Domestic refuse is collected by Cleansing on a Monday for tenemental properties. There is now a fortnightly collection on a Thursday for those tenants who have a green wheelie bin. Other wheelie bins are emptied as per the rotas issued by Glasgow City Council's Cleansing Department.

Residents whose bin stores are situated outside and also have a wheelie-bin must ensure that wheelie-bins are taken to the point of collection by 7.00am on the day of collection.

When residents do not follow the above procedure wheelie-bins will not be uplifted by Cleansing.

Where residents are experiencing any problems regarding collection of refuse, after following the above procedure, this should be reported to Glasgow City Council's Cleansing Department on 0141 287 9700 and the Senior Housing Officer/Property Services Assistant should be advised.

Bulk Collection

Tenants of main door properties wishing to dispose of bulk items (such as beds or cookers) should contact Glasgow City Council Cleansing Department directly by telephoning 0141 287 9700, to arrange a convenient uplift from their home. Tenants of closes should leave such bulk items on the pavement outside their building by 7.00am on a Friday.

Unwanted household items should not be left in back courts and closes pending uplift.

All tenants must contact Glasgow City Council's Cleansing Department to arrange for the uplift of fridges.

4.3 SECURITY WITHIN THE CLOSE: DOOR ENTRY SYSTEM

(a) General

The aim of the controlled door entry system is to increase security and privacy. Therefore, it is important that residents:

- ◆ Do not jam controlled entry doors open;
- ◆ Report controlled entry repairs immediately;
- ◆ Do not lend out keys to strangers;
- ◆ Do not allow strangers into closes without identification;
- ◆ Do not slam controlled entry doors as this damages the mechanism and may annoy ground floor residents;
- ◆ Ensure that the controlled entry door closes properly behind them when they enter or leave the close.

Apart from removing the benefit of security, this can cause damage to the door mechanism.

(b) Action

Tenants who misuse or abuse the controlled entry doors will be recharged for any damage and receive a formal written warning regarding their conduct.

(c) Priority

The Association will treat repairs to door entry systems as urgent unless agreed otherwise with residents and/or Committee.

4.4 VANDALISM/GRAFFITI

The Association will treat all cases of vandalism or graffiti seriously and take all necessary measures to prevent it becoming a problem.

If persons causing vandalism or graffiti are identified, the cost of work will be recharged and the police notified.

Tenants, or members of/visitors to their household, who persist in causing such problems, will be subject to legal action which may lead to eviction.

It has been proven that vandalism and graffiti can be reduced (and often stopped) by immediately repairing/cleaning any problem, even if it is recurring. Therefore, the Association will treat any vandalism or graffiti as an urgent repair.

When on close/common area inspections the Senior Housing Officer/Property Services Assistant will report any vandalism or graffiti immediately on return to the office, and this will be reported to the appropriate contractor as an urgent repair.

4.5 GRASS CUTTING AND MAINTENANCE

Well-kept and tidy gardens are a good reflection of the area. Unkempt, litter strewn gardens are an eyesore. They reflect badly on the Association and are a disincentive to neighbouring tenants.

The Association will employ contractors who will be responsible for communal area grass cutting and maintenance, including litter collection, of communal gardens, void properties, the access road, play area and open spaces within Gardeen.

Tenants with front and/or back gardens are responsible for all garden maintenance and ensuring that the gardens are kept tidy. Gardens must not be used for storage of bulk items or dog fouling.

The Association will accept responsibility for garden maintenance for empty properties and medically exempt tenants where:

- there is no other no other person in the household aged 16 years or over who can carry out this work on behalf of the tenant;
- the tenant (or both tenants if a joint tenancy) have provided medical evidence detailing why they are unable to cut their grass. This would usually take the form of a letter from their General Practitioner.

This service is at the discretion of the Association and is subject to there being a place available on the waiting list which is reviewed annually.

MONITORING

The Senior Housing Officer /Property Services Assistant will be responsible for ensuring tenants are properly maintaining their garden and regular inspections will take place.

When a problem has been identified, The Senior Housing Officer/Property Services Assistant will visit or letter the tenant responsible with Garden Maintenance Letter 1 (appendix 1).

1. The tenant responsible will be given 7 days to rectify the situation.
2. After 7 days, the garden will be re-inspected. If there has been no improvement, a card will be posted through the tenant's door or Garden Maintenance Letter 2 (appendix 1) will be issued, and a further 7 days will be given to bring the garden up to standard.
3. After the 7 days, the garden will be re-inspected. If there has still been no improvement, the tenant will be issued with the Garden Maintenance Final Warning letter (appendix 1). This letter informs the tenant that their behaviour directly contravenes the tenancy agreement and will be classed as anti-social behaviour and they have a further 7 days to resolve the situation.
4. At this stage the tenant will be requested to attend an interview with The Senior Housing Officer at the Association offices. This will be the final attempt to allow the tenant to accept the conditions of their tenancy agreement.
5. When the 28 days have lapsed, if there is no improvement, the Association will instruct our contractors to carry out the garden maintenance and the Association will charge the tenant accordingly.
6. When a tenant continually does not or continually refuses to maintain their garden and subsequently does not/refuses to pay the cost of maintenance, the Association's solicitors will be instructed to commence legal action.

GARDEN COMPETITION

The Association, as well as responding to poorly maintained properties, will recognise and encourage residents who have taken time and effort to maintain their garden.

During the growing season (approx. April-Sept) the Senior Housing Officer/Property Services Assistant will organise the categories and awarding of prizes. Where appropriate, Certificates of Merit will also be awarded.

This initiative is intended to foster good tenant relations and will hopefully act as an incentive to encourage all Association residents to improve their environment.

4.6 INSTALLATION OF CCTV AND/OR VIDEO DOOR BELLS

Tenants installing own CCTV at their properties.

The safety and security of tenants is of paramount importance to the Association. As CCTV and/or Video doorbells are now widely available and in

use across many areas, the Association, while not actively promoting the use of this technology, will not prohibit the use of such devices – within reason.

Any recordings made must be made available to all relevant agencies on request, in line with regulations set out by the Information Commissioner's Office (ICO). There are no definitive laws on the installation and use of recording devices at present. However the Association's policy will be amended if there are any legal changes.

All costs incurred by the installation will be the responsibility of the tenant. If the law changes and devices are to be removed, the Association will not be liable to compensate any tenants for the removal. Similarly, any damage to property walls will be liable for recharge to the tenant in question.

Tenants installing recording devices should show present a valid reason for the installation. Examples may be: home security; personal safety issues. In the current situation regarding the ongoing Covid crisis, home delivery needs are also important to many tenants.

Viable alternatives should be considered. For example, tenants in communal closes already have secure door entry systems (DES) in place. Where Association guidance is followed regarding communal doors being secured, the DES should provide a secure and safe entrance. Tenants may also consider motion sensor lighting for security.

Before installation, tenants must inform the office of the intention. Letters will be sent to neighbours and will include a consent form. Consent forms should be returned within 2 weeks. Any consent form not returned by the due date will be classed as having no objection to the installation. Any objections must be rational; knowledge of previous neighbour disputes will be taken into account.

Signs should be placed in area covered by the device.

As much as is possible, recordings should only cover areas of direct access to a tenant's property. Any images recorded **MUST** be made available on request if another tenant becomes concerned about privacy. Failure to cooperate may lead to the involvement of the ICO. Tenants failing to cooperate may be fined.

Audio recording is considered highly intrusive. As far as is possible, audio should be disabled on devices.

5. PETS

Under the terms of the Scottish Secure Tenancy, tenants of the Association are permitted to keep domestic pets, excluding guard dogs or dogs prohibited by the Dangerous Dogs Act 1991. All other dogs, cats, fish and rodents are acceptable.

When signing up new tenants, details of pets to be kept within the property will be recorded on the Pet Ownership Agreement/Occupancy Information Sheet. Details of pets will also be recorded during property inspections. Tenants will also be encouraged to notify the Association when they are keeping pets. This allows the Association to deal directly with pet owners if a problem occurs.

Where tenants allow their pets to cause a nuisance (e.g. dog fouling) or danger, the Association will endeavour to enforce the Conditions of Tenancy by requesting that the pet is brought under control.

Where there is an ongoing problem with dog fouling, the Association will contact Glasgow City Council's Dog Warden or Community Safety Glasgow

Officers and request that they monitor the area. The Dog Warden and Community Safety Glasgow Officers can issue fixed penalty notices under the Dog Fouling (Scotland) Act 2003 to offenders who let their dogs foul and do not immediately remove the excrement appropriately. The penalty increases if not paid within 28 days.

If a tenant or member of the public sees another tenant's dog fouling and the tenant does not pick it up after their pet, they can give a witness statement to Community Safety Glasgow Officers. Officers can then also issue a fixed penalty notice under the Dog Fouling (Scotland) Act 2003.

Equipment to uplift dog excrement is available free of charge at the Association's offices. Two dog fouling bins are also located in the Association's access road for tenants and members of the public to use to dispose their dog's waste.

6. PROPERTY INSPECTIONS

It is the Association's aim to ensure that the role of both landlord and tenant are clearly defined.

To ensure that all tenants are aware of, and adhering to these responsibilities, the Association will carry out property inspections at all properties, on a rolling programme. The Association will aim to inspect each property once every 2 years. Properties which the Association believes may be a cause for concern will be inspected quarterly, or more regularly, if required.

The inspection will ensure that the property has been properly maintained, that the household composition has not altered and that the tenant is happy with the quality of service they are receiving from the Association. Details of the inspection will be recorded on the Property Inspection Sheet, which will be scanned and saved against the tenant's file (Appendix 3).

The Association will carry out settling in visits for all new tenants and aims to do this within six weeks of the tenancy start date. The purpose of the settling in visit is to allow the tenant to raise any concerns/issue about their tenancy or home. It also allows the Association to intervene at an early stage should the Association have concerns, attempt to prevent any difficulties from escalating and help the tenant access additional support if required.

7. NEIGHBOUR DISPUTES AND ANTI-SOCIAL BEHAVIOUR

(a) General

Every resident should be able to enjoy their home without nuisance or annoyance from neighbours.

Section 143 of the Anti-Social Behaviour (Scotland) Act 2004 sets out the interpretation of anti-social behaviour for the purposes of the Act (except parts 7 & 8).

The legislation says that a person is involved in anti-social behaviour if they:

- act in a manner that causes or is likely to cause alarm or distress; or
- pursues a course of conduct that causes or is likely to cause alarm or distress.

In this definition 'conduct' would include speech, and a course of conduct must involve conduct on at least two occasions.

The expression 'likely to cause' means that someone other than the victim of the anti-social behaviour can give evidence about whether behaviour is anti-social or not. Professional witnesses can be used if people who are targeted by the behaviour feel unable to come forward, for example, for fear of intimidation.

It is the effect or likely effect of the behaviour on other people that determines whether the behaviour is anti-social. The authority applying for the order does not have to prove that the defendant tenant, a person residing or lodging in the house or a person visiting the house intended to cause alarm or distress.

The Association, as a landlord, may receive complaints from tenants concerning their neighbour(s).

The Association will use various powers of the Housing Scotland Act (2001) and the Anti-Social Behaviour etc. (Scotland) Act 2004 and other relevant legislation to tackle anti-social behaviour. The Association will work in partnership with the Police, Social Work, Community Safety Glasgow and other bodies to tackle anti-social behaviour.

The Association will also consider using the power to convert a tenancy to a Short Scottish Secure Tenancy, or take eviction action based on the "streamlined" conviction grounds.

7.1 Common Problems

Depending on the nature of the complaint the Association will respond accordingly as some complaints may be the responsibility of outside agencies, such as the Police in criminal matters.

As a means of dealing effectively with neighbour disputes it is important that tenants are aware of the Association's role in dealing with such issues. This policy aims to address these issues and respond accordingly. However, it should be noted that these should only be used as a guideline as each case is treated individually.

7.2 The Association's Aim and Objectives

The Association as landlord aims "to allow all tenants and those who receive a service from the Association to live without undue disturbance or disruption from others".

The following criteria will be adopted to implement these aims:

- (a) Ensure tenants are aware of their responsibilities and obligations and also those of the landlord. (These are conveyed via various methods including: the tenancy agreement; policies and procedures; newsletters; home visits; the Association's website; tenants' handbook etc.);
- (b) Employ preventative methods;
- (c) Respond to complaints effectively;
- (d) Clearly define the Association's responsibility in terms of neighbour disputes;

- (e) Liaise with outside bodies responsible for assisting with neighbour disputes, e.g. Police; Social Work; Environmental Health and Community Safety Glasgow;
- (f) Treat all complaints as confidential, except where the complainant gives permission for their identity to be revealed;
- (g) Set limits on the extent of involvement by housing staff on complaints which are not the Association's responsibility;
- (h) Staff to be informed and trained to deal effectively with neighbour disputes.

7.3 General Neighbour Disputes

- (a) One of the main reasons for disputes between neighbours is noise and residents should consider other residents' rights (particularly in tenemental properties). For example, residents should not play music or the television too loudly, and if returning home late at night, try not to disturb neighbours. The Association will also request that tenants telephone the out-of-hours Community Safety Glasgow Noise Team on 0141 287 6688 to assist the Association to gather evidence.
- (b) However, where problems occur the Association must operate a flexible and sensitive policy in dealing with neighbour disputes.
- (c) The first responsibility for resolving a neighbour dispute rests with the residents concerned who will be advised to consider approaching their neighbour(s) and try to solve the problem in a friendly way.
- (d) If a problem continues the resident(s) concerned should contact the office to inform the Association of their complaint and the circumstances that led to their complaint. Resident(s) may be asked to complete the Association's standard complaints form (appendix 3).
- (e) The Association will then contact everyone concerned and try to resolve the situation amicably. Mediation through Community Safety Glasgow may also be encouraged at this stage if all parties are agreeable. The Mediation Team offer neighbours the opportunity to resolve disputes at an early stage, avoid escalation or where people's quality of life is being affected. Trained mediators assist both parties to talk things through and find common ground. The service is free, voluntary and confidential.
- (f) If a tenant continually causes a nuisance to others the Association will endeavour to enforce conditions of tenancy which may lead to court action.

(g) Private Owners

Private owners who continually cause a nuisance to others will be written to in the first instance. If this fails to resolve the nuisance behaviour then the owner will be reported to Glasgow City Council's Environmental Health Department and, where necessary, the Police and/or Community Safety Glasgow.

(h) Confidentiality

The Association will not reveal the identity of a complainant without his/her permission. However, in a serious case that goes to Court the complainant may be asked to appear as a witness.

8. ANTI-SOCIAL BEHAVIOUR

(a) General

The Association takes vandalism, illegal activities and persistent nuisance very seriously and will take firm action against those involved in the above.

It can often seem that the Association is doing nothing to tackle complaints, as it is a long and time consuming process to gather sufficient evidence to make a strong case for an eviction or other forms of legal action.

The Association will keep residents informed at all stages in dealing with anti-social behaviour complaints.

(b) Diary Records

Residents affected by anti-social behaviour will be encouraged to keep diaries recording times, dates and details of anti-social behaviour. The Association will provide diaries or diary sheets where necessary (appendix 4).

(c) Corroboration

The Association will endeavour to confirm complaints by obtaining witness statements from as many residents as possible and reports from any other agencies involved; such as the Police, Social Work, and Community Safety Glasgow.

8.1 The Association's Categorisation of Anti-Social Behaviour

Whenever the Association receives a complaint it is important to determine the type of complaint received. This will allow for distinguishing between minor complaints such as stair cleaning and serious complaints which may be of a criminal nature and likely to affect more than one household.

It is recognised that it is unlikely that all complaints will fit neatly into one category. However, the complaints should be categorized in the general terms of cognisance of previous case history and the nature of the complaint.

(a) CATEGORY A – VERY SERIOUS COMPLAINTS

Complaints which concern allegations of drug dealing; growing drugs in a house; interfering with the electricity supply; criminal behaviour involving threats of violence towards any member of the public; including members of staff; housebreaking; assault; criminal threats; serious harassment; racial harassment, and serious damage to property, including fire raising.

(b) CATEGORY B – SERIOUS COMPLAINTS

Complaints which concern allegations of aggressive/abusive behaviour, frequent disturbances, vandalism, drug/solvent/alcohol abuse, verbal written harassment and frequent and persistent noise.

(c) CATEGORY C – NUISANCE COMPLAINTS

Boundary disputes, untidy gardens, children causing a nuisance; noisy party.

8.2 Receiving Complaints

The procedure for receiving complaints is detailed in the Association's Complaints Policy.

Anonymous Complaints

Complaints received anonymously will not normally be acted upon by the Association. However, depending on the nature and seriousness of the complaint a response may be required where individual(s) may be affected, as the complaint may be true and anonymity may be sought out of fear of reprisal.

The Senior Housing Officer should be advised of all anonymous complaints and where the nature of the complaint is serious the Director must be informed.

9. **PROCEDURES FOR DEALING WITH COMPLAINTS**

Assessment of Complaint

The Senior Housing Officer/Property Services Assistant will determine the category of the complaint and action as required. All completed complaints forms received will be acknowledged by letter. The complainant may be invited to discuss their complaint further at the Association's offices. (Appendix 1).

If there is a likelihood of repeated complaints, the Association will request that the complainant keeps a diary to record further incidents (appendix 4).

Details of contact with any other agencies and any further information relevant to the complaint will be detailed in the Complaints Register and/or as a diary entry in the diary section of the tenant's computer file. A list of all other potential witnesses, where applicable, will be recorded in the same manner.

The complaints form (if applicable) and any written correspondence will be held in the appropriate tenant computer file(s).

(a) Category A Complaints

When receiving complaints defined as category A, it may be necessary to take immediate action due to the seriousness of this category. Complaints defined as category A will more often than not be referred to other agencies such as the Police as they will often involve criminal behaviour.

Where anti-social behaviour is the responsibility of an outside agency, for example criminal activity is a police matter; housing staff will advise the complainant to advise the agency or, with their agreement will contact the agency on their behalf.

In situations where an outside agency is primarily involved, the Association may still be required to assist in alleviating a problem where investigations confirm the existence of harassment, violence etc. The victim may wish to be rehoused or remain in their present home and therefore the Association will eventually result in having to take some action at the request of the outside body responsible for the case.

Action to be taken may result in warning letters and legal notices being issued. In such circumstances, all action must be authorised by the Senior Housing Officer and Director. Legal notices will be reported to the Management Committee on a quarterly basis.

In very serious cases involving violence it may be necessary to take immediate action, where a tenant or a member of their household has good reason to fear being the victim of an assault. Any such action would require the express authority of the Director or the Senior Housing Officer. Such circumstances will need to be verified by the Police.

Due to the serious and criminal nature of this category, housing management staff should respond to complaints as soon as possible and within 3 working days. As this category will more often than not require referral to outside agencies, such as the Police, it is difficult to place a time scale for resolution. All action and follow up action should be detailed in a diary entry in the diary section of the tenant's computer file and/or Complaints Register.

In some cases it may be difficult to locate a specific complainant and will not always be clear, therefore the discretion of staff will be required in identifying the type of complaint received.

(b) Category B Complaints

When receiving complaints defined as being category B complaints the initial response should be to acknowledge receipt of the complaint within 3 working days.

The complainant may be invited to an interview at the Association's offices to discuss the complaint in more detail if required.

The complaint may be dealt with by means of advice given verbally to the complainant at the office or on a home visit. At this stage a complaints form may be completed or alternatively details entered into the tenant's computer file of the Complaints Register.

Where action is required by housing management staff this should be carried out within 3-5 working days and the complainant advised of the outcome within 5-10 working days. Where staff are unable to take appropriate action within the timescale (e.g. need to make access arrangements or other work commitments), the complainant should be notified of the reasons for the delay and of the alternative timescale.

The tenant being complained about should be lettered, telephoned, asked to call into the office or be visited at home. This will depend on the nature of the allegations.

Where it is decided that the complaint is justified, the tenant should be given a verbal warning and the warning recorded. Where the problem continues, a warning letter should be issued.

If a letter has been issued requesting the tenant to contact the office to discuss a complaint and the requests are ignored, a first warning letter will be issued.

Where two warnings have been issued and further complaints are received, the Senior Housing Officer will issue a final warning letter. The Association will consider the use of Acceptable Behaviour Contracts (ABCs) and Unacceptable Behaviour Notices (UBNs).

Acceptable Behaviour Contracts (ABC)/Unacceptable Behaviour Notices(UBN)

An ABC is a written agreement between a person who has been involved in antisocial behavior and one or more local agencies that are involved in tackling such behaviour. The contract is agreed and signed at a meeting with the individual and the lead agencies.

The contract specifies a list of anti-social acts in which the person has been involved in and which they agree not to continue. The contract also states the consequences should it be breached. Signing the contract is voluntary.

The Association has adopted the use of a template ABC that has been recommended by Police Scotland and which was developed by a number of agencies (appendix 5).

Where an individual refuses to enter into an ABC and they continue in what is considered anti-social behaviour, the Association in partnership with the Police may issue a UBN. The UBN will highlight the behaviour that is deemed unacceptable. This gives a clear indication to the individual that if their behaviour is not rectified they may face legal action (appendix 6).

If it is considered that legal action is the only means of resolving the complaints made, the Senior Housing Officer with the approval of the Director will instruct the Association's Solicitors that legal notices be issued and will advise the Property Management Sub-Committee meeting. Both ABCs and UBNs can be used as evidence in court should matters proceed.

Where the problem is resolved and the parties involved have come to an amicable agreement and the Association's property interest is not in danger, the Association should confirm this in writing to both parties.

(c) Category C Complaints

The majority of complaints of a category C nature should be responded to as part of the Association's Estate Management Policy.

10 DISPUTES REQUIRING THE ASSISTANCE OF OUTSIDE AGENCIES

The Association works in partnership e.g. Police, Social Work, Community Safety Glasgow, etc. Depending on the nature of the complaint it may be necessary to involve an outside agency.

This may delay attempts to resolve the issue, however housing staff should aim to minimise this as much as possible. Where possible a meeting with the outside agency may help to speed the process of resolving the complaint(s).

On initial contact with the outside agency housing staff should ensure that both parties are aware of their respective roles and an attempt should be made to identify a timescale for action. These should be confirmed to the agency within 3-5 working days.

The complainant and if appropriate the offending neighbour should be advised of the outside agencies involvement.

It may be necessary to monitor any action required by the outside agency.

Where the action by the outside agency results in resolving the complaint, housing staff will record the case as closed in the Complaints Register.

However, where the outside agency reports continuing problems and the Association's interest is affected then housing staff will liaise with the agency with regard to joint or independent action to be taken.

Where necessary any legal notices must be authorised by the Senior Housing Officer and Director and reported to the Management Committee on a quarterly basis.

The complainant and outside agency will be advised in writing by the Senior Housing Officer on approval from the Director of the intention to take legal action and will liaise with the solicitor regarding the action.

Before instructing the Association's solicitor to ask the Court to grant decree for eviction, the Senior Housing Officer will report to the Management Committee to determine whether or not the eviction should be sought. When a decree for eviction has been granted, the Management Committee will take a final decision whether or not to enforce the decree.

Mediation

- (a) In certain circumstances, involving minor nuisance complaints or cross tenure disputes mediation can be an effective means of resolving problems between neighbours.
- (b) A mediator should be neutral (not a member of the Association's staff or Committee) to facilitate conciliation between the parties. Community Safety Glasgow provides a mediation service.

The general principles of mediation are set out below:

A mediator should help the disputing parties to explore the reasons behind the conflict and to consider possible remedies.

A mediator should not make judgements or take sides but help people to listen to each other's point of view, to find common ground and to jointly agree ways of dealing with their problem.

Mediation will only work where the disputing parties voluntarily choose it; are willing to be reasonable; are willing for the other side(s) to be contacted and are able to communicate.

The Association will explore mediation options for residents and refer cases for mediation to Community Safety Glasgow as required using a standard referral form (appendix 8).

11 LEGAL ACTION

When all other options have been exhausted or deemed insufficient/are inappropriate the Association shall only then resort to legal action.

Legal Action

The Senior Housing Officer has delegated authority to instruct legal action. In all cases, the Senior Housing Officer will have interviewed or attempted to

interview the tenant prior to the raising of legal action. The Senior Housing Officer will report all such cases to the Management Committee quarterly.

Legal action will only be instructed as a last resort where other options have been exhausted. The tenant will be advised to seek legal advice. The Senior Housing Officer will authorise the instruction of the Association's Solicitor, who will be instructed for all legal action. The Senior Housing Officer will ensure that all the necessary information is made available to the Solicitor to successfully pursue the case. The Senior Housing Officer will remain involved in the case and may be required to attend at Court if the tenant defends the action.

The Senior Housing Officer must also ensure that a Section 11 Notice is served on the tenant. A Section 11 Notice is part of the Homelessness etc (Scotland) Act 2003 and places an obligation on registered social landlords and private landlords to notify the Local Authority when they apply for a Court date for a tenant as there is the possibility this will lead to an eviction.

Where action is successful for interdict, ASBO or compulsory transfer this will be implemented with delegated authority. Where the action is for repossession and decree is obtained, this may only be implemented with the prior specific authorisation of the Management Committee, following a written report from the Senior Housing Officer. Any decision whether or not to implement the decree must be clearly recorded in the minutes of the relevant Management Committee meeting. The Association should only pursue a decree for eviction through court if it is willing to have this implemented.

At least fourteen days' written Notice shall be given to the tenant by Sheriff Officers that the Association intends to enforce the decree for possession. Prior to the enforcement of a decree for repossession, the housing staff will notify the local Social Work and Homeless Services offices as well as any other agencies known to be specifically providing support and/or representation to the tenant on this matter.

12 MONITORING

The Senior Housing Officer will record and monitor the action and outcome of all cases.

Complaints falling under Category A will be monitored for up to 6 months. This period may be extended if necessary. Category B complaints will be monitored for up to 2 months and Category C complaints will be monitored in line with estate management duties.

Where the complaint(s) recurs within this period housing staff should respond as per the categories.

If no further complaints have been received the Senior Housing Officer shall liaise with the complainant to ask if the problem has been resolved and whether the complaint was dealt with effectively.

Committee reports will be prepared on a quarterly basis summarising problems, action taken and detailing serious problems.

If the Association's Management Committee members are required to discuss an individual case, the identity of the people involved will not be disclosed to Committee.

13. DECISION TAKING AND APPEALS

These will be dealt with as detailed in the Association's Complaints Policy.

14. GOOD PRACTICE

The Association will ensure that it keeps abreast of all good practice recommendations in respect of these matters and will review Policies and Procedures in light of developments.

15. APPENDICES

Appendix 1	Standard Letters
Appendix 2	Property Inspection Form
Appendix 3	Complaints Form
Appendix 4	Complaints Diary
Appendix 5	Acceptable Behaviour Contract
Appendix 6	Unacceptable Behaviour Notice
Appendix 7	Request To Raise Legal Action Form
Appendix 8	Mediation Referral Form
Appendix 9	Weekly Inspection Sheet from Insurance Broker