



Title: **Antisocial Behaviour and Harassment - Scotland Procedure**

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General Information

1. Objective of this procedure

- 1.1 This procedure sets out Sanctuary Scotland's approach to responding to antisocial behaviour (ASB) and harassment and is related to the [Antisocial Behaviour and Harassment - Scotland Policy](#).
- 1.2 This procedure supports staff to take a consistent, person-centred and proportionate approach when responding to ASB. It outlines practical steps from first contact to case closure and should be read alongside the [Antisocial Behaviour and Harassment - Scotland Policy](#).

2. Managing expectations

- 2.1 Sanctuary promotes welcoming, safe and respectful communities. Many concerns raised by customers relate to everyday living and are not antisocial behaviour or a breach of tenancy. Customers are encouraged to communicate with neighbours in a reasonable and respectful manner before reporting incidents to Sanctuary.
- 2.2 When reports are received, staff will sensitively explain the difference between antisocial behaviour and everyday lifestyle differences, and will provide clear guidance on what Sanctuary can and cannot do. This includes circumstances where Sanctuary has limited powers to intervene.
- 2.3 Many concerns reported by customers relate to ordinary day-to-day living and are not considered antisocial behaviour. Examples include, but are not limited to:
 - footsteps, doors closing, movement within the home;
 - babies crying or children playing;
 - cooking smells;
 - occasional DIY carried out at reasonable times;
 - routine household noise such as vacuuming or using appliances;
 - dogs barking occasionally or cats roaming; and/or
 - one-off social events such as a single party.
- 2.4 These are normal aspects of communal living. Officers should manage expectations sensitively and provide advice or informal tools (such as the Dear Neighbour card or Good Neighbour leaflet) to support constructive resolution where appropriate.
- 2.5 Parking frustrations are also common in shared neighbourhoods. Where Sanctuary Scotland does not allocate specific parking spaces, parking is generally available on a 'first come, first served' basis. Sanctuary Scotland cannot intervene in disputes unless a vehicle is causing an obstruction on land we manage, or where there is clear misuse of an allocated space. Customers should be encouraged to discuss concerns calmly with neighbours and seek informal resolution where possible.

- 2.6 Where appropriate, Sanctuary will encourage early and informal resolution. This may include signposting to practical resources such as mediation, the Good Neighbour leaflet and providing customers with Dear Neighbour cards. Staff should refer to the Good Neighbour Toolkit for internal guidance on managing neighbour disputes and everyday living concerns.
- 2.7 Sanctuary will seek to manage expectations from first contact by explaining the process, likely timescales, and the range of possible outcomes. Staff will be honest where no further action is likely.
- 2.8 Staff will adopt a trauma-informed and person-centred approach, recognising that the impact of behaviour varies between individuals, especially for customers with vulnerabilities or protected characteristics.
- 2.9 Formal ASB case management will only be initiated when behaviour meets the definition of antisocial behaviour under the [Antisocial Behaviour \(Scotland\) Act 2004](#) or breaches tenancy conditions.
- 2.10 Reports involving domestic abuse will always be managed in accordance with the [Domestic Abuse - Scotland Policy and Procedure](#). These cases will not be managed under early resolution and will be prioritised for immediate safeguarding response.

3. Legislative/Regulatory context

- The [Antisocial Behaviour \(Scotland\) Act 2004](#) sets out a range of relevant legislation including a legal definition of ASB, arrangements for information sharing, and tools available to local authorities to tackle ASB;
- [Data Protection Act 2018](#);
- [UK General Data Protection Regulation \(UK GDPR\)](#);
- [Data Protection - Group Procedure](#);
- [Equality Act 2010](#);
- The [Housing \(Scotland\) Act 2001](#) incorporates and adds to the [Housing \(Scotland\) Act 1987](#) in giving ASB as a ground for eviction;
- The [Housing \(Scotland\) Act 2014](#) introduces new powers including streamlined eviction for ASB and increased powers to use Short Scottish Secure Tenancies (SSSTs) where the prospective tenant has a history of ASB;
- [The Protection from Harassment Act 1997](#) provides protection from harassment in Scotland, including where a person pursues a course of conduct which amounts to harassment;
- [The Hate Crime and Public Order \(Scotland\) Act 2021](#);
- [Personal Safety - Group Procedure](#);
- [Antisocial Behaviour and Harassment – Scotland Policy](#);
- [Adult Support and Protection \(Safeguarding\) – Scotland and Sanctuary Care \(Scotland\) Policy and Procedure](#);
- [Safeguarding Children and Young People - Scotland Policy and Procedure](#);
- In implementing this policy Sanctuary complies with [The Scottish Social Housing Charter](#) outcome 6; ‘tenants and other customers live in well maintained neighbourhoods where they feel safe’;

- [The Short Scottish Secure Tenancies \(Notice\) Regulations 2018;](#)
- [The Short Scottish Secure Tenancies \(Proceedings for Possession\) Regulations 2018;](#)
- [Short Scottish Secure Tenancies for Antisocial Behaviour and Other Miscellaneous Changes to Short Scottish Secure Tenancies - Statutory Guidance for Social Landlords;](#)
- [Streamlined Eviction Process – Criminal or Antisocial Behaviour – Statutory Guidance for Social Landlords;](#)

4. Responsibilities for implementation

- 4.1 The Director - Sanctuary Scotland has responsibility for ensuring that Sanctuary Scotland is compliant with legislative and regulatory requirements and good practice.
- 4.2 Managers have a day-to-day responsibility for the implementation of this policy in practice. They are responsible for ensuring:
- this procedure and associated policy are communicated with all staff;
 - suitable and sufficient training and instruction is provided;
 - this procedure and associated policy are followed by all staff;
 - the necessary equipment and resources are available to make sure compliance can be achieved; and
 - staff are managed on their performance of ASB through the one-to-one meetings and the annual appraisal process.
- 4.3 To assist Sanctuary in carrying out its obligations, staff must:
- be aware of, understand and comply with this procedure, the associated policy, and any related operational guidance;
 - participate in any training which Sanctuary makes available; and
 - communicate any issues with implementing this procedure or associated policy to their line manager, and identify opportunities for continuous improvement.

Operational Guidance

5. Definitions and categorisation of ASB

5.1 Definition of ASB - [Under Part 1 of the Antisocial Behaviour \(Scotland\) Act 2004](#), a person engages in antisocial behaviour if they:

- act in a manner that causes or is likely to cause alarm or distress; or
- pursue a course of conduct causing or likely to cause alarm or distress to at least one person not of the same household.

5.2 Harassment - Harassment is unwanted conduct which is intended to cause or does cause alarm, distress or harm, including creating an intimidating, hostile or offensive environment.

5.3 Hate incident - Any incident perceived by the victim or any other person as being motivated by prejudice or hatred based on a protected characteristic.

5.4 Domestic Abuse - Where behaviour reported relates to domestic abuse, the case will be managed in accordance with the [Domestic Abuse - Scotland Policy and Procedure](#) and not under these ASB procedures.

5.5 Categorisation and response times

5.5.1 Sanctuary defines ASB as either Priority One or Priority Two. For Priority One ASB an investigation will start within one working day. For Priority Two ASB an investigation will start within five working days. These categories are determined by the type of behaviour as follows:

Priority One	Priority Two
Harassment or threats - including racial harassment and hate crimes	Vandalism
Criminal behaviour	Alcohol-related
Hate-related incidents (hate-related harassment, graffiti, violence etc.)	Vehicles
Drugs – dealing / supply	Pets / animals (dog mess, excessive barking, etc.)
Other violence	Noise
Prostitution	Communal areas/loitering
	Drugs misuse

5.6 Case definitions

5.6.1 Each ASB case logged on the ReACT ASB system will have one of the following case definitions:

- **Personal** - designed to identify ASB incidents that the caller, call-handler or anyone else perceives as either deliberately targeted at an individual or group or having an impact on an individual or group rather than the community at large.

- **Nuisance** - those incidents where an act, condition, thing or person causes trouble, annoyance, inconvenience, offence or suffering to the local community in general rather than to individual victims.
- **Environmental** - deals with the interface between people and places. It includes incidents where individuals and groups have an impact on their surroundings including natural, built and social environments. Where a case has more than one case definition or develops more than one as the case progresses then a new case must be set up for each case definition. Please see the diagram below for an explanation of how this works in relation to the system.

6. Initial reporting and triage

- 6.1 Reports may be received in person, by phone, email, text, through a third-party, or via specialist agencies (e.g., Police Scotland, Social Work Services). Anonymous reports will be investigated.
- 6.2 Staff must follow the [ASB New Case - Scotland](#) and [ASB Existing Case - Scotland](#) processes on Pulse when logging, triaging and progressing all ASB cases.
- 6.3 When a report is received staff will:
 - Listen and record key information factually.
 - Identify any immediate risk, vulnerability, safeguarding concern or support need.
 - Determine priority category (Priority 1 or 2).
 - Explain process, timescales and expectations.
 - Agree next steps with the reporter.
- 6.4 Any report indicating immediate danger, domestic abuse, or child/adult protection concerns must be escalated urgently in line with safeguarding procedures.
- 6.5 Staff must check for any existing related cases on ReACT and OneSanctuary before creating a new case.

7. What's new - What's different?

- 7.1 June 2026 - Formal review, in line with the policy review cycle; with the following changes:
 - This procedure has been updated to strengthen the distinction between antisocial behaviour, neighbour disputes and everyday living issues, with additional guidance on managing customer expectations and early informal resolution.
 - Legislative references have been updated, including the Hate Crime and Public Order (Scotland) Act 2021 and revised wording relating to harassment, safeguarding and information sharing.

- Greater emphasis has been placed on person-centred, trauma-informed and proportionate case management, including consideration of vulnerability, protected characteristics, safeguarding concerns and reasonable adjustments.
- Guidance has been expanded on prevention and early intervention measures, including use of informal resolution tools, mediation, support referrals and partnership working.
- Information-sharing and case-recording requirements have been updated to reflect current data protection obligations and operational practice.
- The legal remedies section has been updated to clarify escalation options, serious case handling and Section 11 notification requirements.
- Case review, closure and reopening processes have been updated to improve consistency, oversight and customer communication.
- Minor wording, formatting and terminology updates have been made throughout to improve clarity, consistency and alignment with supporting guidance and operational processes.

Detailed Procedures

1. Prevention of antisocial behaviour

1.1 Our approach to allocating properties and our actions at the early stages of a tenancy are important factors in preventing ASB. Prevention also includes supporting constructive relationships between neighbours and encouraging early, informal resolution of concerns wherever safe and appropriate. Further operational guidance to support this procedure is available within the [ASB New Case](#), [Existing Case](#), [ASB FAQs](#) and [ASB guidance pages](#) on Pulse.

1.2 ASB considerations in lettings

1.2.1 Before allocating a property, Sanctuary will carry out checks on prospective tenants and take the following action, if appropriate:

- Consider suspending applicants who have had former cases of ASB identified as serious and tenancy related (see relevant lettings policy);
- Choose to grant an SSST with support if the prospective tenant has been evicted in the preceding three years or where they or other members of their household are the subject of an ASB Order (ASBO) granted on or after 30 September 2002 (see **section 11** below). This does however exclude circumstances where a tenant has previously been granted an ASBO, but has still been issued with a Scottish Secure Tenancy (SST) after the incident;
- Refuse any application to exchange where the incoming tenant has a recovery of possession notice for ASB (see relevant mutual exchange policy);
- Depart from the standard selection process to assist in the maintenance or development of balanced communities (see relevant lettings policy).

1.2.2 Formation of an SSST

- Before the creation of an SSST, a statutory notice must be served on the prospective tenant to state that they will be offered an SSST and this must state which category of SSST it is; (for example due to tenant or member of their household being subject to an ASBO would be on the terms of paragraph 2 of Schedule 6 to the [Housing \(Scotland\) Act 2001](#)). This must be done before both parties sign the Agreement; either before or during the sign-up process. If this is not done, no SSST is created. The tenancy will be an SST;
- Where the statutory notice under section 34(4) of the [Housing \(Scotland\) Act 2001](#) is served prior to 1 May 2019, the Short Scottish Secure Tenancies (Notices) Regulations 2002 continue to apply and the terms of that SSST will also be those that were in place at the time the notice was issued, even if the SSST itself is granted on or after 1 May 2019;
- From the 1 May 2019 any notices served to create an SSST during allocations will subsequently be subject to the terms of the [Housing \(Scotland\) Act 2014](#).

1.3 Home visits

- 1.3.1 Where possible, Housing Officers will carry out a home visit before any allocation is made. During the home visit the Housing Officer should briefly state the responsibilities of the applicant if they become a tenant. The Housing Officer should also briefly discuss action that may be taken against them if it is evident that ASB occurs. If it is found that the applicant has had a history of ASB then Sanctuary may consider actions as set out in paragraph 1.2.1 above.
- 1.3.2 At this stage, it is also best practice to make note of tenants who may have additional support needs so that if an allegation is ever raised against them, or if they report an incident of ASB, appropriate communication, intervention and risk assessments can be carried out from the start.
- 1.3.3 If a tenant with mental health issues declares that they have previously been involved in ASB or if a pre-tenancy check identifies any prior involvement in ASB, Sanctuary should consider offering information on support services as a preventative measure or consulting social work services/mental health services for advice on how best to support the tenant in managing this behaviour. Working in partnership with other local stakeholders will also help minimise any risk to themselves or others. This can be done by contacting other local agencies to find out where the individual(s) is known to relevant services. Principally adult social work services, learning disabilities, community mental health teams (refer to the [Catalogue of Advice Providers](#)).

1.4 Sign-up

- 1.4.1 When signing up a new tenant, the relevant officer will go through the relevant sections of the tenancy agreement with the tenant. This includes explaining the definition of ASB, highlighting the need to have respect for others, and explaining that they should report any incidence of ASB to the relevant office or agency (see [Catalogue of Advice Providers](#)). New tenants will also be asked to sign a Good Neighbour Declaration which explains Sanctuary's stance on racial harassment and hate crimes and that action will be taken against perpetrators.
- 1.4.2 If the new tenant is signed up to an SSST Agreement, the signing should be completed with extra emphasis placed on the tenant not being involved in ASB for the duration of the SSST, so that they can successfully convert the SSST to SST.
- 1.4.3 The applicant will be encouraged to introduce themselves to their neighbours and this will be an opportunity to check up on the cleaning rota (where relevant), bin days, etc. Early contact with neighbours can help reduce any misunderstandings that could lead to neighbour disputes and ASB.
- 1.4.4 New tenants will be encouraged to take an active role in contributing to a positive community environment. Where appropriate, officers may provide introductory information such as local guidance on managing shared spaces, noise expectations, bin storage, and respectful communication between neighbours.

1.4.5 To deter and prevent racial harassment and hate crimes, Sanctuary will:

- Ensure all tenants are aware of Sanctuary's zero tolerance to serious criminal offences of racial harassment and hate crimes and of the action Sanctuary are prepared to take against perpetrators; and
- Ensure all new residents are made aware of the clause in their conditions of tenancy/occupancy which states that they must not be involved in or allow harassment (racial, sexual, religious or otherwise).

1.5 Tenancy visits

1.5.1 The Housing Officer will carry out an in-person settling in visit within six to eight weeks to ensure the new tenant is coping with their new tenancy and ensure there are no concerns or issues about ASB. This early contact also provides an opportunity to identify emerging low-level issues and resolve them informally before they escalate into ASB. Further visits will take place at regular intervals agreed locally and at least every three years.

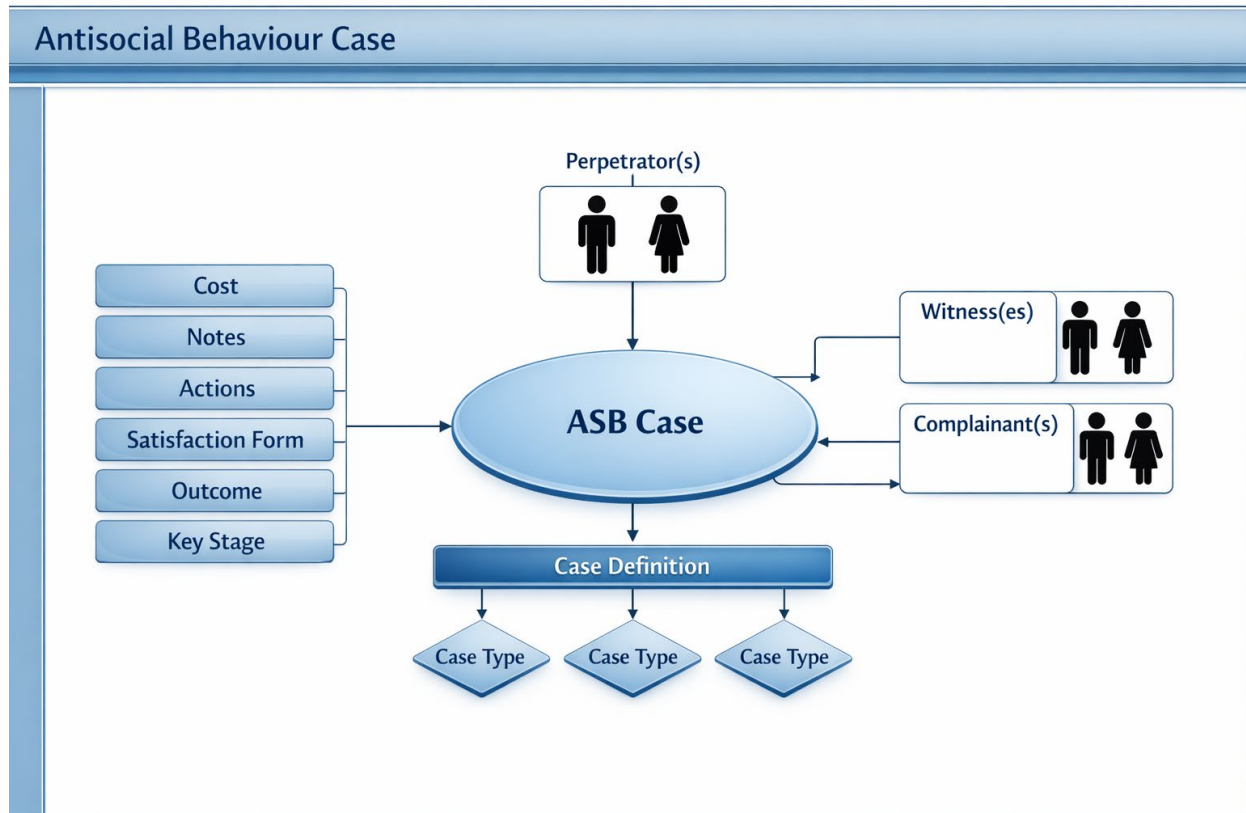
1.6 Throughout the tenancy

1.6.1 Sanctuary will consider use of the following measures on an ongoing basis:

- Using tenants' newsletters to explain our policy on racial harassment and hate crimes;
- Providing careful publicity of action actually taken against perpetrators: Raising awareness of how Sanctuary deals with ASB may deter it from happening elsewhere. However, any publicity must ensure that the information does not breach data protection policies;
- Working with and providing support to tenants' and residents' associations which encourages them to ensure full involvement from diversity groups and to support any residents experiencing race and/or hate based harassment; and
- Using literature such as Factsheets to encourage tenants to take action and some responsibility for resolving their own issues throughout their tenancy;
- Sharing template resources such as "Dear Neighbour" cards, or Good Neighbour guidance leaflets, where informal approaches may prevent escalation;
- Where available locally, officers may use noise-monitoring apps or other Local Authority-approved tools to help assess noise concerns before progressing to formal ASB investigation.

1.6.2 Further out-of-hours reporting and response guidance can be found within the Scotland ASB pages on [Pulse](#).

1.6.3 Where issues relate to differences in lifestyles rather than deliberate or unreasonable conduct, and do not meet the threshold of ASB, officers will manage expectations sensitively and provide advice and tools to help neighbours resolve concerns constructively. In these circumstances, the matter may be addressed through early resolution approaches rather than ASB case management.



2. Initial report handling

2.1 Reporting

2.1.1 The initial report of an ASB incident may be via telephone, written communication (including email and social media) or in person by:

- the complainant or a member of their household;
- a third-party, such as an employee, contractor, neighbour or another service user; or
- a specialist agency, such as Police Scotland, local authority Community Safety Team, Social Work Services, Citizens Advice Bureau or Shelter.

2.1.2 Step-by-step actions for logging and triaging new reports are outlined in the [ASB New Case – Scotland](#) process on Pulse.

2.2 Responding to the victim

2.2.1 The following actions should normally be taken when the initial report is received:

- Check the customer's records to confirm if there is a current ASB case before opening a new case on ReACT;
- Check if the victim has any additional support needs which must be taken into consideration when attempting to communicate such as translation services or interpreters. Seek specialist services where appropriate (See [Sanctuary's Inclusive Communication Guidance](#));

- Confirm the identity by asking the person security questions (if our tenant), such as confirming their date of birth and full name and address;
- Decide on the ASB Priority and arrange an interview within the appropriate timescale (1 or 5 working days see **section 5.5**);
- Let the victim know who will handle the case, where this is known;
- The Case Officer will record an initial report of the incident on ReACT if speaking with the victim over the telephone, or may use the Initial Incident Report Form (**Appendix 2**) to support note-taking if meeting with the victim in person. The initial report will include the following information:
 - brief details of the incident including date, time and place;
 - whether the perpetrator is known;
 - details of any witnesses;
 - whether there have been previous incidents; and
 - whether the police or other agencies have been informed.
- Send out Diary Sheets, if appropriate, and explain the process for using these. Ensure these are in the most appropriate format and language;
- Consider whether, based on the information provided, there is a need to flag the incident as potentially racially motivated on ReACT and notify relevant third-party agencies;
- If it is believed that the incident involves racial harassment or hate crime, staff must use the checklist set out in **Appendix 3** when agreeing immediate response actions with the victim;
- Give the victim a list of relevant emergency phone numbers, if appropriate, and outline how and when the complaint will be investigated (See [Catalogue of Advice Providers](#));
- It is important to provide holistic assistance by working with multiple agencies and refrain from any actions that might cause upset where the perpetrator has a sensory impairment, disability or mental health issue. For example, take time to explain the importance of involving other agencies in the investigation or taking formal action should they have concerns about this, and seek agreement to proceed at each stage.
- Involve specialist organisations where the victim may need support with communication, or coming to terms with the incident.

2.2.2 For the required workflow when acknowledging and progressing reports, staff must refer to the [ASB New Case](#) and [ASB Existing Case](#) processes on Pulse. Detailed steps for action planning, diary sheets, and ReACT updates are set out in the Scotland [ASB guidance pages](#) on Pulse, including the FAQs and ReACT User Guide.

2.3 Assessing risk

2.3.1 When the initial report of ASB is received it is important to find out if there is any immediate danger to the victim, and if so, contact the police by dialling 999. In some instances, the victim may not want police involvement. Even when this is the case Sanctuary may have an obligation to contact the police if the issue is a serious criminal one (for example an assault case, serious substance misuse, or drug dealing), and/or there is believed to be a threat to the victim's safety. Information will only be shared to the extent necessary to address the issue reported, where Sanctuary is legally obliged to share information, or where it is necessary to report a matter to the police. All reports are treated as allegations until sufficient evidence is gathered.

- 2.3.2 Sanctuary may also have obligations to disclose information under our Safeguarding policies and procedures. If Sanctuary contacts the police against a victim's wishes, then the victim should be informed prior to doing so. Housing Officers should always refer to their Manager before taking this course of action.

Note: In serious cases of ASB, harassment and hate incidents (where there is no immediate danger), advise the victim to contact the police immediately by dialling 101, or alternatively report the incident anonymously to Crimestoppers on 0800 555111.

- 2.3.3 If the victim states that they must flee the property, advice must be given on emergency accommodation (See [Catalogue of Advice Providers](#)). Even where the victim does not suggest this, it is good practice for us to discuss this option with the victim if it is felt that there is a continued threat to the safety of the victim. If the victim has left or intends to flee the property, staff must remind the victim of the importance of keeping us informed of their whereabouts i.e. contact numbers, etc. Where relevant, advice must be given on benefit entitlement and housing costs, including any claim relating to two homes where appropriate, and the victim should be signposted for specialist welfare benefits advice.

- 2.3.4 When taking an initial report if it is believed that the situation could be putting a vulnerable adult or a child at risk then Sanctuary has a duty to report this to the local authority social work team. Please see the safeguarding policies and procedures for further detail on this.

- 2.3.5 After the initial report, the Case Officer should:

- check the tenancy status and history of the victim;
- check whether there are any vulnerabilities and/or communication barriers, health and safety issues;
- consider whether security measures/emergency repairs are necessary; and
- consider whether emergency legal action is required/being sought and if legal advice from the solicitor is needed.

- 2.3.6 Where any vulnerabilities are identified, staff will ensure that the case records are updated on ReACT and OneSanctuary if necessary, so that this can be considered when taking action to resolve the case.

- 2.3.7 Staff will also consider if there are any reasonable adjustments needed to ensure that complainants and alleged perpetrators are able to engage fully in the procedure. Examples of adjustments which should be considered include:

- corresponding with the individuals verbally or in writing depending on their preferences;
- using translation services where an individual does not speak and/or read English confidently or requires braille; or
- arranging for individuals to be accompanied for any meetings or discussions.

2.4 Early intervention

- 2.4.1 Early intervention can often resolve low level ASB and prevent ASB from escalating to a more serious level. Early intervention can involve one to one visits by staff, warning letters, mediation and restorative justice. Effective work by staff and other agencies at an early stage often has the best results for the victim, perpetrator and the organisation.
- 2.4.2 Where mediation is considered appropriate, staff must refer to **Appendix 5 – Mediation Guidance** for criteria and good practice.
- 2.4.3 Staff must communicate the progress of the case with perpetrators throughout the investigation as a preventative measure. There must be a prevention and early intervention stance towards perpetrators. Enforcement action must only be taken when it is necessary and reasonable to do so.

2.5 Evidence requirements

- 2.5.1 Staff must note that not all cases will require corroboration, and it is not a pre-requisite to pursuing legal action, but you do need to ensure that you have a strong case to increase the chances of success. It is therefore important to always manage the victims' expectations. Remember that sufficient evidence can be sought and provided from other means, such as professional witnesses, like the police, conflict resolution teams (Local Authority) and other council services.

2.6 Immediate action

- 2.6.1 In serious cases of ASB, and always in relation to domestic abuse and harassment, there are certain activities that may need to be undertaken by staff urgently:
- All repairs required to make a property safe following domestic abuse or harassment must be treated as emergencies. Lock changes may only be refused where there is a legal restriction (for example, a joint tenancy or where the tenancy is held solely by the alleged perpetrator). All domestic abuse cases must follow the [Domestic Abuse – Scotland Policy & Procedure](#), which takes precedence over this procedure.
 - Hate-related, racist, sexist, homophobic, transphobic or otherwise offensive graffiti must be removed within 24 hours of it being brought to staff's attention (photographs must be taken for future legal action);
 - Appropriate security measures put in place (e.g. organising refuge or fitting a police response panic alarm) if there is a continued threat against the victim. These must be undertaken in the shortest possible time. Liaise with the police and/or relevant local authority services;
 - Staff must record a detailed description in ReACT, and update OneSanctuary.

2.7 Working with third parties/specialist organisations

- 2.7.1 When the initial report is received, Housing Officers should signpost victims to any specialist organisations that can provide support (See [Catalogue of Advice Providers](#)).
- 2.7.2 Where victims/witnesses of racial and hate crime do not feel comfortable reporting the matter directly to the police, Housing Officers should signpost such cases to the Third-Party Reporting Centres to ensure all victims/witnesses are able to report such incidents. Police Scotland works closely with these Centres, providing training to their staff. The Centres can assist a victim or witness in submitting a report, or making a report on the victim/witnesses' behalf. The Centres will then pass this information on to the police, with the victims/witnesses' permission. For examples of how Third-Party Reporting Centres have been used and to access a list of local Centres, visit [Third-Party Reporting Centres for Hate Crime - Police Scotland](#) website.
- 2.7.3 Housing Officers should familiarise themselves with the details of their local Centres and other specialist agencies in their area.
- 2.7.4 Before sharing any information with a third-party or specialist organisation, it is important to refer to any local information sharing protocols in place. Sanctuary may share information without consent only where necessary to address the issue raised, where we are required by law, or where it is necessary to report a matter to the police. Any sharing will follow data protection legislation and local information-sharing protocols.
- 2.7.5 If the initial report is from a third-party or specialist organisation that is not a 'relevant authority' then consent, in writing, must be sought from the customer to discuss the matter in detail with the third-party. Without this consent, reports from a third-party should be taken and logged on ReACT but details about our customer must not be disclosed, until consent is received (unless there is an information sharing protocol in place).
- 2.7.6 If the report has been received by a third-party, the victim may not wish to discuss the incident via a formal interview at this point. If the victim does not wish to discuss their situation it is acceptable not to have a formal interview, but staff must offer basic advice (i.e. giving out the number for a relevant organisation or advice line) and give the victim the option to discuss further when required and then close the case.

2.8 Recording the complaint

- 2.8.1 ReACT must be used to keep full and accurate records of any contact, communication and developments throughout an ASB case. This information is used for performance management purposes, and is especially important for cases that proceed to legal action. It is vital that records are taken while details are fresh in the mind, as these may be relied on if the officer is called as a witness in court. System-specific instructions for recording, updating and managing ASB cases can be found in the [ReACT guidance on Pulse](#).

- 2.8.2 If the case is related to an existing case, then add a note to the existing case. If it is a new case, set up the new case on ReACT. Ensure brief details are recorded on the reporters' account in OneSanctuary including the case reference number, on a CIC interaction.
- 2.8.3 If the complaint is anonymous, then record details on OneSanctuary/ReACT, and investigate as far as possible in line with this procedure.
- 2.9 Complaints against owner occupiers or private tenants
- 2.9.1 If a tenant reports ASB by a private tenant or owner occupier, refer to any locally agreed service level agreements in place first.
- 2.9.2 If the issue is lower level ASB, this issue may be raised with the other party in an effort to resolve the matter, for example by contacting the owner / tenant and asking them to be considerate of their neighbours. If the issue is more serious, or there is no immediate resolution, it is normal to refer the case to the local authority or police.
- 2.9.3 When one of our tenants reports ASB by a private tenant or owner occupier, a case should be opened and details recorded on OneSanctuary/ReACT. Housing Officers should maintain contact with the local authority, and keep the case open until the outcome has been found out and recorded; making sure the victim has been kept informed throughout.

3. Investigation stage

3.1 Procedure overview

- 3.1.1 The investigation stage is key to the effective management of ASB. Below is an outline of the action to be taken at the investigation stage of an ASB case. Staff should refer to the [ReACT guidance](#) on Pulse for instructions on recording actions and maintaining case notes throughout investigations.

3.2 Complete an interview with the victim

- 3.2.1 ASB can affect people in different ways. People may show their emotions in different ways, and may not seem as affected by the ASB as they actually are. The relationship between the victim and the perpetrator may influence how the victim is affected by the ASB. Staff must ensure that empathy and honesty are shown to the victim, regardless of the level of ASB reported. Staff must not be judgemental or dismissive in any way and should agree the case management actions based on the victim's needs rather than their own views on what is needed. When ASB is reported, victims need to feel confident and reassured at the first point of contact that:
- they are being taken seriously;
 - swift action is being taken to address the behaviour of the perpetrator; and
 - Sanctuary will do everything in its power to protect them from intimidation at any stage of the ASB case being dealt with.

All reports are treated as allegations until sufficient evidence is gathered.

3.2.2 Guidance on the type of information required from the victim is provided in **Appendix 4**. In addition:

- agree review times including the frequency of further contact with the victim and when they can expect to receive updates on the progress of the investigation;
- discuss expected outcomes;
- consider other organisations to contact, relevant emergency phone numbers and victim support agencies if applicable; and
- discuss legal powers available to landlord.

3.2.3 When a case is not of an apparently serious nature e.g. noise nuisance, the Housing Officer may suggest that the tenant visits the alleged perpetrator of the nuisance to explain the problem and seek a solution. However, Housing Officers must make a judgement call on whether this is a sensible course of action based on the circumstances. The victim may be told that this course of action might help to diffuse the situation. It might be that the alleged perpetrator is not aware they are causing a nuisance. The victim will be advised that in some cases intervention by a Housing Officer might give the impression that the complainant is being heavy handed using an 'official' to 'accuse' the person of unsatisfactory behaviour and this could cause the case to escalate.

3.2.4 Give the victim Diary Sheets if appropriate and explain how to use these and how frequently they need to be returned.

3.2.5 Contact the victim to outline what has been agreed and what will happen next (within three days of interview).

3.2.6 Staff must maintain contact with the victim as the case progresses. In addition, staff must:

- work towards case resolution;
- consider what early intervention action can be put in place;
- offer ongoing support to victim;
- liaise with other organisations, etc.; and
- regularly review the agreed actions, their impact and outcomes of any investigations with the victim. This should not include specific information regarding the alleged perpetrator or their circumstances; however, it should provide as much detail and assurance to the complainant as possible.

3.2.7 If an employee speaks to any resident, complainant, victim or any person who is **threatening suicide**, the employee must remain calm. They must advise the person to call the Samaritans on 116 123. Samaritans provide confidential, non-judgmental emotional support, 24 hours a day for people who are experiencing feelings of distress or despair, including those which could lead to suicide. If a threat of suicide has been made or the employee believes that the person is at high risk, they should call the police on 999 immediately, requesting that they check on the person at risk as soon as possible. They should then speak to their line manager.

3.3 Complete an interview with any witnesses

- 3.3.1 Arrange and undertake interviews with any witnesses (as soon as possible and within a maximum of 10 working days). Staff should use the structured questions provided in Appendix 4 to guide witness interviews.
- 3.3.2 Victims and witnesses must be advised as soon as is practicably possible, who to contact throughout the ASB case. Staff are responsible for ensuring that victims and witnesses are offered support at the first point of contact, throughout the case handling, and also after the ASB case has been closed.
- 3.3.3 Sometimes people are not prepared to act as witnesses to ASB because they are concerned about possible reprisals. On some occasions therefore, the services of professional third-party witnesses may be engaged.

4. Guidance on interviewing the victim and witnesses

- 4.1 Guidance on the information required from interviews is provided in **Appendix 4**.
- 4.2 Consider your own health and safety needs before undertaking the home visits (see the [Personal Safety - Group Procedure](#)).
- 4.3 Where appropriate the victim/witness must be interviewed in their preferred manner, for example in their own home, over the telephone or in an office. The victim may wish to have a friend or family member present. Any additional needs (e.g. in relation to disability or communication) must be taken into account and support offered/arranged prior to the interview.
- 4.4 In some cases of ASB or harassment it may be the victim's wishes to have a specific gender or ethnicity of the employee dealing with the incident. This would only be in those instances where it is appropriate to interview victims and witnesses without impeding any external investigations.
- 4.5 Where appropriate, Sanctuary should do everything in its power to ensure such requests can be met. This includes involving other experts or services where appropriate and being clear with the victim of the options, especially if this means that their needs cannot be met within the desired timescale.
- 4.6 The objective of the interview is to attempt to establish the facts and agree a plan for resolution of the issues highlighted. Summarising regularly helps maintain a focus of the questions, and allows staff to confirm that they have understood the victim correctly. In cases of harassment or serious ASB victims must be referred to specialist counselling and support services such as victim support groups, harassment support groups and domestic abuse support groups where appropriate.
- 4.7 During an interview, staff must approach the victim/witness in a sensitive manner, as the situation may be upsetting and difficult for them. Staff must:
 - remain objective and neutral and record evidence in support of the allegations;

- be honest and realistic as to the extent of the action(s) that can be taken, the timescales involved and what is expected of the victim;
 - explain that some information may need to be shared with the alleged perpetrator or other agencies, but only to the extent necessary to address the issue, and in line with data protection legislation;
 - inform the victim if another organisation needs to be involved;
 - request any other supporting evidence from the victim, such as letters from their GP if there has been physical injury; and
 - if appropriate, advise the victim on services that can offer independent support or advice.
- 4.8 During an interview, whilst it is expected that the officer should probe to get all the information they need to properly assess the situation, no attempts must be made to undermine the victim's confidence by challenging the validity of their statement or by under-estimating the effect the ASB has on the victim.
- 4.9 At the interview staff should, where appropriate, consider discussing the possibility of mediation. Mediation is often most effective where relationships have broken down between neighbours and especially when started early in a complaint of ASB. Please see **Appendix 5** for further guidance on mediation.

5. Interviewing the alleged perpetrator

5.1 Organising the interview

- 5.1.1 Arrange and undertake interview with the alleged perpetrator if appropriate (as soon as possible and within a maximum of 10 working days). Where the perpetrator of racial harassment or hate crime is a Sanctuary tenant, the interview should take place within 48 hours of the full interview with the victim. When the interview is not completed within this timescale (e.g. as a result of a direct police request) a record should be kept on ReACT on the reasons for the delay and this should be reviewed every 48 hours. Alleged perpetrators will be given the opportunity to have someone of their choosing present to act as a witness, act on their behalf or provide support.
- 5.1.2 The purpose of the interview is to inform the alleged perpetrator of the allegation that has been made against them, to draw to their attention the conditions of their tenancy agreement and the potential consequences of their actions, and reinforce our proactive stance on tackling nuisance. The aim is to establish the facts of the case and find a resolution to the problem. The interview must be presented as a positive opportunity for the alleged perpetrator to offer their perspective on the allegations and if appropriate for them to suggest ways in which to resolve the situation. The primary objective is to prevent further incidents arising. All reports are treated as allegations until sufficient evidence is gathered.
- 5.1.3 In some cases, it may be necessary for staff to visit perpetrators in pairs if there are any potential safety issues. Where serious concerns exist, interviews with perpetrators should be held at an office (see the [Personal Safety - Group Procedure](#)).

5.2 Identifying responsibility for taking action

5.2.1 If the incident is being investigated by another organisation such as the police, it would not be appropriate to interview the perpetrator without the express consent of the organisation undertaking the investigation. In these cases, staff must take their lead from the investigating organisation and undertake any tasks as directed.

5.2.2 Where the alleged perpetrator is a tenant of another landlord then staff are expected to work in partnership with the landlord in question and for that landlord to undertake the interview with the alleged perpetrator under their policies and procedures.

5.3 Victim/perpetrator confidentiality

5.3.1 Where possible, Sanctuary will seek the victim's agreement before contacting the alleged perpetrator. However, information may be shared without consent where this is necessary to address the issue, where required by law, or where it is necessary to report a matter to the police.

5.3.2 Where an allegation relates directly to an identifiable individual, the victim will be informed that some details may need to be shared in order to progress the case. Only the minimum necessary information will be shared. Sanctuary will explain any potential implications before proceeding.

5.3.3 As noted above, the victim must be kept informed of the outcome of the interview with the perpetrator. However, Sanctuary will keep the perpetrator's personal data confidential and will not disclose information about them unless required by law or where necessary to progress the case in line with data protection legislation.

5.3.4 Any customer, including perpetrators/victims of an ASB case, has a right to a Data Subject Access Request (DSAR). If any individual makes a DSAR, Sanctuary must provide them with details of all personal information that it holds about them, but without breaching the confidentiality of any other individual. When recording case information, always be aware that the information is potentially subject to DSAR. For further information refer to the [Data Protection - Group Policy and Procedure](#).

5.4 How to carry out the interview

5.4.1 Where this interview takes place over the telephone, staff must ensure that they are speaking to the correct person by asking the person security questions (if our tenant), such as confirming their date of birth and full name and address.

5.4.2 When interviewing the alleged perpetrator, staff must:

- outline Sanctuary's ASB policy and what is expected of the alleged perpetrator;
- ensure that their approach to the alleged perpetrator is objective;

- ensure an ASB case is created that gives the reference number for the ASB complaint. All further contact with the alleged perpetrator is logged on ReACT;
- explain the details of the complaint (outlining times and dates as appropriate) to the alleged perpetrator and let them respond.
- take detailed notes of the response, avoid generalities and accurately record all the relevant facts, such as what was seen and heard, when and where. Question thoroughly any discrepancies or counter allegations. If relevant, care must be taken at all times not to reveal the identity of the victim;
- try to establish whether there is an underlying reason for the allegations;
- inform the alleged perpetrator if other organisations have or are likely to be contacted;
- on the basis of the evidence advise the alleged perpetrator of the next course of action;
- reinforce the conditions of the tenancy (if appropriate); and
- seek any witnesses' details that could support the alleged perpetrator's version of events.

5.4.3 If the matter is sufficiently serious the alleged perpetrator should be told prior to the interview starting that:

- the allegations are about a breach of tenancy agreement; and
- notes will be taken which may be used in evidence if a decision is made to proceed with legal action, now or in the future.

5.4.4 Once the incident has been put to the alleged perpetrator, let them respond. Detailed notes of the interview must be made. It may be appropriate to give further details of the incident at this stage to clarify a particular point, but care must be taken not to breach any confidentiality or to stray into subjective views or hearsay.

5.4.5 Where possible staff should offer advice on organisations that can offer independent legal advice or support to assist the alleged perpetrator. In supported housing services the resident would also receive support from staff throughout the process.

6. Result of the investigation

6.1 Perpetrator denies ASB and/or no evidence of ASB

6.1.1 If the interview with the alleged perpetrator results in them denying the allegation, and there is no evidence to suggest that the alleged incident took place, staff must advise the alleged perpetrator that whilst no further action will be taken at this time, the situation will be monitored for a set period of time and investigations reopened if further complaints are received. The perpetrator must also be advised to keep diary sheets if they have made a counter allegation.

6.1.2 Housing Officers must emphasise the need to comply with the terms of the tenancy agreement (if the perpetrator is a tenant).

6.2 No contact made with perpetrator

- 6.2.1 If a perpetrator is not willing to cooperate with this process, and refuses an interview, staff must send a warning letter to the perpetrator reminding them of the obligations in the tenancy agreement, and outlining that any more reports of ASB against them will result in us considering legal action against them.

6.3 Perpetrator admits ASB and/or evidence in place

- 6.3.1 If there is evidence of the perpetrator being responsible or they admit the incident reported, the perpetrator must be advised that they have breached the terms of their tenancy (if a tenant). Depending on the severity of the breach, Sanctuary may issue a formal warning, advising the perpetrator to stop any breach and making it clear that legal action will be considered if they do not, and that their tenancy is at risk. This must be confirmed to the perpetrator in writing and recorded on ReACT. It is important that the warning makes clear what action is required by the perpetrator to avoid further action.
- 6.3.2 If, following the warning, the ASB continues then the escalation options set out in sections 11 and 12 will be considered.

7. Multi-agency approach

- 7.1 It is accepted that a joint approach of enforcement and support ensures that the community is protected, and perpetrators are helped to achieve a sustained change in their behaviour. A multi-agency approach is essential if effective action is to be taken. Staff must consider the positive effects that support might have on perpetrators and this is particularly relevant when considering ASB issues that result directly or indirectly from:

- Drug abuse
- Alcohol abuse
- Mental health issues
- Disabilities
- Domestic abuse.

- 7.2 Referral to and liaison can take place with a number of organisations including the following, see [Catalogue of Advice Providers](#) for a more comprehensive list:

- Police Scotland
- Community Wardens
- Youth Justice Services
- Schools
- Health Services
- Alcohol and Drug Partnerships
- Social Work Services
- Criminal Justice Social Work
- Local authority ASB teams

- 7.3 It may be possible to prevent legal action being undertaken through a coordinated approach by specialist organisations to provide perpetrators of ASB with the support that they need.

- 7.4 Often perpetrators require assistance in securing additional support services. This help must be provided by staff and it is not enough to leave them to it. This may involve signposting to local counselling or support services. It may also involve referring people to social work or mental health services depending on the circumstances of the case.
- 7.5 Staff are encouraged to keep up to date with on-going progress and initiatives in the rehabilitation of perpetrators that will exist locally.

8. Victims and perpetrators with mental health needs

- 8.1 ASB can affect a person's physical and mental health. Victims of ASB may become ill as a result of their experiences, and it is highly likely to exacerbate an existing mental health condition. There is evidence to suggest that people with mental health conditions and other disabilities are proportionately more likely to be victims of ASB. Some perpetrators may also have health issues that may be a factor in their behaviour which can make any ASB related behaviour more difficult to address.
- 8.2 When dealing with victims, witnesses and perpetrators it is important to ensure any health needs are addressed and taken into account in dealings with them. Staff should take proactive action to signpost sensitively to the appropriate support services and ensure that appropriate communication channels are used. If the individual(s) have a preference for communicating in a particular way, this should be noted and adhered to. This will facilitate the removal of any barriers to further reporting/ information-sharing and monitoring. Staff should also consider how victims can be offered different methods of reporting, such as helping them to set up a speed dial number as a precaution during sign up.
- 8.3 It is important that when health needs have been identified in victims, witnesses or perpetrators then partnership working needs to commence to ensure that adequate support is provided. At a local level, general practitioners, community psychiatric nurses, Social Work Services or community mental health teams, drug and alcohol workers and health visitors all have a role to play.
- 8.4 When collecting evidence from victims or perpetrators, try to adopt a range of methods if conventional means are not effective. Consider working with local authority Community Safety teams, collecting written or pictorial accounts, checking or installing CCTV, identifying a responsible guardian who can make a statement on their behalf.
- 8.5 Staff should not and cannot overlook the impact of mental health conditions on behaviour (of both victims and alleged perpetrators). Failure to effectively acknowledge and deal with any mental health issues will lead to an ineffective investigation and a higher likelihood that the behaviour will continue. If staff are unsure, they must speak to their line manager and/or the Safeguarding Vulnerable Adults Champion.
- 8.6 Further information can be found in the [Adult Support and Protection \(Scotland\) Policy and Procedure](#).

9. Victims and perpetrators with disabilities, sensory impairments and other support needs

- 9.1 It is widely recognised that harassment is an everyday reality for many disabled people who often accept it as inevitable and part of life. There is a culture of disbelief around disability-related harassment. Disabled people often do not report harassment and when it is reported, public authorities mostly fail to take action against it.
- 9.2 Staff should be aware of this and must ensure that they take responsibility to recognise and respond properly to such issues. For further information refer to Adult Support and Protection (Safeguarding) - Scotland Policy and Procedure and Safeguarding Children and Young People - Scotland Policy and Procedure.
- 9.3 As is the case when working with victims or perpetrators with mental health issues, it is essential that people with disabilities have their support needs acknowledged when dealing with the case and that they are recognised as being disproportionately affected by ASB. It is therefore important to be as proactive as possible in deterring ASB cases from arising by identifying any support they may require to manage their behaviour at sign up. For victims, early intervention is also encouraged; consider implementing extra safety mechanisms at the start of a tenancy to ensure they are safe in their homes. Examples of this include:
- Plan frequent home visits to the individual to ensure they are safe;
 - Ensuring the tenant has emergency contact numbers on speed dial;
 - Provide additional information in alternative formats to ensure the tenant fully understands what ASB is, and how they can report it.
- 9.4 If an ASB case does arise, efforts must be made to identify and address the root causes of the case in a sensitive manner. This is to ensure the most appropriate response is applied.
- 9.5 Adopt a multi-agency approach and consider the different methods outlined in section 9 for communicating with the tenant, always taking into account their preferences. For instance, check if the individual requires, or requests an 'appropriate adult' to be present at any consultation. Staff are also encouraged to seek specialist help and advice at the earliest opportunity, where it is deemed necessary. Organisations may include:
- Mencap - support for people with learning difficulties
 - RNID
 - Capability Scotland
 - Royal National Institute of Blind People (RNIB)
 - Sense
 - Scope.
- 9.6 Where victims or perpetrators of ASB are known to be involved in substance abuse, staff should recognise their additional support needs and work with them to address these issues. Use the [Catalogue of Advice Providers](#) to signpost tenants to relevant agencies who can offer specialist advice and support.

10. Early intervention measures to address antisocial behaviour

10.1 Overview

10.1.1 There is a range of measures to address ASB, from early intervention to formal legal action. Early intervention measures should always be pursued first, with formal legal action a last resort. Examples of early intervention measures include, but are not limited to, mediation, tenancy support, warnings, acceptable behaviour contracts and partnership working with support agencies.

10.2 Mediation

10.2.1 Mediation is a voluntary process where an independent third-party helps conflicting parties to work through their differences and disagreements. The aim is for agreement to take place between the two parties on their future behaviour. Staff should use a specialist mediation service, unless in house staff or residents have been trained in mediation. Mediation must be attempted to resolve an ASB case before any legal action is taken if it is appropriate to the circumstances of the case. By getting all interested parties together a solution may be found. Please see **Appendix 5** for further details on mediation. Information on mediation options and referral routes is also provided within the Scotland ASB FAQs on [Pulse](#).

10.3 Tenancy support

10.3.1 Housing Officers can refer tenants to support services, which may offer assistance in dealing with possible breaches of tenancy.

10.4 Verbal/written warnings

10.4.1 Prior to legal action these can be simply and effectively undertaken, and copies retained on file (see **section 7** above).

10.5 Acceptable Behaviour Contracts (ABCs)

10.5.1 An ABC is a voluntary contract offered to perpetrators of ASB, widely used with young people. ABCs are offered as a final opportunity to the perpetrator to amend their behaviour prior to commencing legal action if no improvement is made. The contract usually stipulates that the resident does not carry out certain acts. ABCs must be monitored, and support provided where necessary to ensure the perpetrator avoids 're-offending' and thus complies with the terms of the ABC.

10.5.2 If possible, liaise with social work services to hold a 'case conference' to complement the implementation of the contracts. This involves speaking to schools, police and any other involved agencies to draw awareness to the situation and giving them an opportunity to increase their involvement in the case to deter it from reaching more serious consequences.

10.5.3 ABCs may be appropriate under the following circumstances:

- The behaviour is not serious enough to warrant an ASBO or possession proceedings.
- There is not enough evidence to pursue a legal remedy.
- The behaviour is caused by a minor.
- There is a need to remedy the behaviour quickly.
- There is a need for early warning of consequences, should behaviour continue.
- There is an opportunity for parents or families or support services to intervene.

10.5.4 A breach of an ABC can be used as evidence to support legal enforcement action such as claims for possession.

10.6 Unacceptable behaviour notice (UBN)

10.6.1 Where a young person refuses to sign an ABC, or does not engage with us, Sanctuary may issue them with a UBN. A UBN will normally be served to perpetrators with Police Scotland officers in attendance. The aim of a UBN is to make the offender aware of their actions and the consequences of continuing ASB. A UBN does not have any legal standing, although it can be used as evidence to help support legal remedies such as an ASBO.

10.7 Local authority action against noise nuisance

10.7.1 Local authorities have powers to investigate complaints about noise. They can serve warning notices, serve a Fixed Penalty Notice or obtain a warrant to seize and remove any equipment used in the emission of noise. The evidence a local authority may use to take action includes diary sheets and evidence from recording equipment.

10.7.2 Where ASB is noise-related and where perpetrators have hearing impairments, consider practical adjustments or solutions to help reduce noise transmission where appropriate.

10.8 Management transfers

10.8.1 Transferring a victim to resolve a case of harassment will be considered with caution because if it is not done in a sustainable way it will not tackle the root cause(s) of the problem. However, in certain circumstances it will be considered as a viable option. In all circumstances the case will be assessed to see whether it can be awarded urgent priority in accordance with the appropriate lettings policy and procedure.

10.8.2 Sanctuary provides for high priority to be granted to tenants subjected to racial harassment and hate crimes or requiring protection as a witness in exceptional circumstances. This can only be done after the preparation of a report by the Case Officer, detailing the reasons supporting a recommendation to award a management transfer.

10.8.3 If a management transfer is approved the tenant would receive one offer only of alternative accommodation on a 'like for like' basis. See Sanctuary's separate procedure for Management Transfers. However, in these circumstances Sanctuary will still seek to take action against the perpetrator of the hate crime. Perpetrators should be made responsible for their actions and should not be allowed to feel empowered at the victims' expense.

10.8.4 If the victim fears for their safety if they stay in their home, Housing Officers should speak to the police and seek their assistance. It is best practice to liaise with the police and ensure that there is sufficient evidence before approving a management transfer. If approved, the officer must help the complainant by seeking temporary accommodation either within Sanctuary's own stock or through the local authority or another registered social landlord. If the victim wants to move permanently, Sanctuary should provide them a transfer application form. The Case officer must treat the application as high priority in accordance with the Lettings Policy and work with other housing providers if Sanctuary cannot provide a suitable transfer offer from its stock within a reasonable time.

10.8.5 Managers also have discretion to grant high priority for a transfer application to overcome a situation that is undermining the effective management of the accommodation or estate. This might include in some situations where it is desirable to move the alleged perpetrator to other accommodation.

10.9 Other action against the perpetrator

10.9.1 Where the perpetrator of racial harassment or hate crime is the tenant of another housing association or local authority, their Director or equivalent should, where the facts warrant it, be notified by telephone and in writing of the outcome and requested to take prompt action. Where Sanctuary is not satisfied with the action of the landlord against the perpetrator, taking independent legal action will be considered. Where damage is caused to a Sanctuary property, the cost of the works should be charged to the perpetrator(s) where their culpability can be proven.

10.9.2 Early interventions also include referrals to third-party organisations other than the police (see [Catalogue of Advice Providers](#)) who can supply a range of services:

- Mentoring
- Family Intervention Projects
- Victim support
- Witness Support
- Floating Support
- Housing Review Panel.

11. Legal remedies to address antisocial behaviour

- 11.1 Legal remedies will normally be used where preventative, supportive or management approaches have not resolved the issue. However, where behaviour is serious, presents an immediate risk, involves hate crime, serious criminal conduct or significant harm, legal action may be considered at an earlier stage.
- 11.2 The following legal remedies will be considered, with more detailed information provided in **Appendix 6**:
- Interdicts/Specific Implement
 - ASBOs
 - Conversion from SST to SSST
 - Interim ASB orders
 - Use of SSST
 - Possession proceedings.
- 11.3 Where decree for eviction is granted on grounds other than rent arrears (including ASB), the tenancy ends on the date the decree is granted. If Sanctuary decides to allow the tenant to remain in the property, a new tenancy agreement must be issued. A Notice of Proceedings is still required before court action is raised, and must be served within twelve months of the conviction (or within twelve months of the conclusion of an unsuccessful appeal).
- 11.4 Sanctuary may choose not to take such action against someone who is taking illegal drugs in the home for personal use only, which does not cause disruption or nuisance to neighbours, even if there has been a conviction for possession. Action will, however, be taken for the supply of drugs or cultivation within a Sanctuary property.
- 11.5 If the case is referred to court, the tenant will be advised by letter and informed that they may be liable for any legal fees incurred. The letter will also signpost the tenant to appropriate advice and support.
- 11.6 Where legal proceedings are raised for possession, Sanctuary Scotland must ensure that a Section 11 notification is issued to the relevant local authority in accordance with the Homelessness etc. (Scotland) Act 2003. This must be done no later than four weeks before any potential eviction date. Section 11 notifications support homelessness prevention and enable local authorities to offer early intervention.
- 11.7 Sanctuary Scotland will normally instruct its appointed solicitors to submit the Section 11 notification on its behalf as part of the standard legal instruction process. Responsibility for ensuring compliance with Section 11 requirements remains with Sanctuary Scotland, and staff must ensure that confirmation of submission is received and recorded on OneSanctuary.
- 11.8 Where Decree for Eviction is granted, an Eviction Report must be presented to the appropriate governing body committee for approval before the Decree can be implemented.

11.9 If racial harassment or hate-based harassment is proved, Sanctuary must take robust legal action against the perpetrator where the consent of the victim is given. Legal advice should be obtained, and a record kept on the database of the advice received, decisions on further action with reasons.

11.10 Conversions to Short Scottish Secure Tenancies

11.10.1 A notice can be served on an existing tenant to end an SST and demote it to a SSST if they have been subject to an ASBO in their existing tenancy or where a tenant or someone living with the tenant has acted in an antisocial manner, or pursued a course of conduct amounting to harassment of another person. This conduct must have been in or around the house occupied by the tenant and it must also have happened in the 3 years before the notice is served. The notice must specify the tenant and/or member of the tenant's household who is subject to the ASBO or, where no ASBO has been granted by the court, the notice must include the actions of the person who has behaved in an antisocial manner, our reasons for converting the tenancy and details of the tenant's right of appeal to the court. Sanctuary can also convert an SST to an SSST where the ASBO was given at a previous address by a different landlord, provided the tenancy at the previous address had been an SST. Further operational guidance is available within the SSST statutory guidance on [Pulse](#).

12. Case reviews

12.1 All racial harassment, hate incident and hate crime cases should be reviewed with the line managers at the following stages:

- Immediately after the initial report is received by the Case Officer.
- Within three working days, and within 24 hours in cases involving violence, the Case Officer will meet with their Line Manager to review the initial actions that have been taken and ensure that immediate response actions have been agreed and recorded.
- Within nine working days of the initial report, review progress of the investigation, then every two weeks thereafter until the case is closed.

13. Closing the case

13.1 Where possible, staff must close the case after discussing the matter with the victim. Where no further incidents are reported during a reasonable monitoring period, normally up to 28 days, the case may be closed and a letter may be issued to the resident explaining the reason why. It must be made clear to the victim that they can come back to Sanctuary should any further incidents happen, and a new case will be opened and linked to the original case where appropriate. A case will normally be closed when:

- it has been successfully resolved without using legal action;
- it has been successfully resolved because of issued warning or threatened legal action;
- it has been successfully resolved because of legal action;
- the perpetrator is no longer in the property and moved out of the area; or
- it has been passed to another agency and/or there is no further action that Sanctuary can take (closed as unresolved).

- 13.2 When closing the case in ReACT, it is very important that the 'Date Completed' field must be recorded as the date when the last action was taken to resolve the case. This is particularly important in instances where a case has been left open for a short time period to ensure there is no recurrence. For example: A party is held on 1st December, and the perpetrator is warned on 3rd December. After waiting until the party season concludes, the case is closed, and a satisfaction survey is sent to the complainant on 6th January. Here, the 'Date Completed' should be recorded as 3rd December, which is the date of the last action taken to resolve the case. The 'Final Letter Sent' date will be 6th January.
- 13.3 If the victim is not satisfied with the way Sanctuary has handled their ASB concerns, then the option for this to be addressed through the complaints handling procedure should be explained.
- 13.4 After the case is closed, satisfaction will be measured using Sanctuary Scotland's agreed post-case feedback process.
- 13.5 All personal alerts or bulletins on OneSanctuary relating to the case should be amended or removed as appropriate. It is vitally important that any organisations involved in the case are notified that the case has been closed.

14. Reopening closed cases

- 14.1 Cases should not be closed until staff have completed all actions and are confident that no further action can be taken. Once closed, cases should not be re-opened.
- 14.2 If further incidents occur after a case has been closed, then a new case should be opened and linked via ReACT to the original case.
- 14.3 If a customer requests a case to be reopened without new incidents, staff will review the circumstances and provide a clear explanation where reopening is not appropriate.