ESTATE MANAGEMENT & COMMUNITY SAFETY POLICY HANDBOOK

16 APRIL 2024

EQUALITY AND DIVERSITY

Scottish Social Housing Charter - SSHC 1: Social landlords perform all aspects of their housing services so that:

Every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.

We aim to encourage an environment of equality amongst our customers, employees, committee members and other individuals Our policy on equality and diversity sets out the principles that Thenue will apply to all its work in governance, employment and service provision. We will ensure that all our processes comply with our policy and that those suppliers of goods, services and works have Equal Opportunity policies.

Our information will be clear, simple and consistent, and personal information gathered for the purposes of monitoring equal opportunities will be handled in accordance with the principles set out within the Data Protection Policy. Individual monitoring forms will be used for statistical purposes only and destroyed on completion of analysing.

We will seek to ensure that there are no barriers as a result of gender or marital status, race, colour, disability, age, sexual orientation, language or social origin, or other personal attributes, including beliefs, or opinions, such as religious beliefs or political opinions.

REVIEW

This policy and associated documentation will be reviewed every three years or earlier if statute and good practice dictates.

AMENDMENT REGISTER

Where any amendment or revision is made to the policies contained in this handbook, the appropriate section should be updated and the date amended accordingly. The former policy handbook should be kept in a separate file for reference purposes and to demonstrate an auditable trail of policy development.

Amendments of a more 'cosmetic' nature (e.g. changing Communities Scotland to The Scottish Housing Regulator) do not require committee approval, however will be entered into the amendment register (below).

All relevant personnel should be made aware of the amendments/revisions made

Section(s)	Amendment	Date approved by Board of Management	Next Review Date
All	Full review incorporating SSHC / deletion of ref to Performance Standards	12 November 2013	November 2016
All	Amendment to take account of changes introduced by Housing (S) Act 2014	20 March 2018	March 2021
Domestic Abuse	New policy	26 May 2020	March 2021
Child Protection	New policy	23 June 2020	March 2021
Protection of Vulnerable Adults	New policy	23 June 2020	March 2021
All	Full review of Policy	22 June 2021	June 2024
All	Full review of Policy	16 April 2024	April 2027

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ESTATE MANAGEMENT

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1. INTRODUCTION

1.1 This policy outlines the way in which Thenue Housing will deliver estate management services and how we will work in partnership with residents and other agencies to achieve sustainable communities. We recognise that good quality housing needs to be coupled with a decent quality neighbourhood, to make our areas desirable and sustainable in the long term.

1.2 Estate Management can be defined as the term which refers to services which aim to allow residents to have quiet enjoyment of their homes and a decent, safe and secure environment to live in. It can therefore cover a wide range of activities which focus both upon the people living in an area and on the physical environment of the area itself, for example:

- Enforcing tenancy and factoring conditions
- Management of communal areas
- Maintenance of the physical environment
- Providing services which help to reduce crime and anti-social behaviour

1.3 Good estate management contributes to the safety and security of all our residents but we recognise that offensive graffiti and discriminatory harassment may impact more on people from some groups and lead to increased community tensions. Offensive graffiti and harassment may be directed at people because of colour, race, ethnicity, sexual orientation, gender identity, religion or belief and/or disability and we will prioritise dealing with these issues, in conjunction with relevant agencies.

1.4 We recognise that a decent quality neighbourhood is not dependent solely on the quality of our estate management services however, but relies on a broad range of organisations and interests to work together including:

- Thenue, as the local landlord and factor
- The local community and
- Other service providers (such as Council Departments, Community Safety Glasgow (CSG) and the Police).

1.5 The following Thenue Housing policies should also be referred to in relation to our approach to estate management:

- Anti-Social Behaviour Policy
- Allocations and Voids Policy Handbook

2 POLICY BACKGROUND

2.1 The Scottish Social Housing Charter most relevant to this policy is:

6: Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes
Social landlords, working in partnership with other agencies, help to ensure that:

• tenants and other customers live in well-maintained neighbourhoods where they feel safe.

2.2 The Scottish Secure Tenancy Agreement details the responsibilities of both Thenue as the landlord and of the tenant in relation to Estate Management. Under Section 2 – Use of the House and Common Parts, Thenue will:

a) Ensure that it provides (either directly or indirectly) the estate management services for which it is responsible as a landlord.

b) Ensure that all tenants accept their estate management responsibilities as identified in the Tenancy Agreement.

c) Ensure that appropriate action is taken against any tenant failing to accept their responsibilities

3. POLICY AIMS

3.1 In delivering and monitoring estate management, we will :

- Have a clear policy which meets good practice and encourages effective co-ordination between all those responsible for estate service delivery in our neighbourhoods.
- Be pro-active in our approach to estate management and community safety and not solely rely on residents for identifying issues to be tackled. We will ensure that early action is taken to identify and resolve estate management problems.
- Ensure that relevant staff make regular inspections of those areas being managed by them. (frequency of inspections is outlined in supporting procedures)
- Protect our investment in our homes by ensuring that we provide a service which ensures that the environment in and around our properties is maintained to the highest possible standard while also representing value for money.
- Work in close co-operation with other organisations that provide services in local areas (i.e. cleansing, street lighting, roads, police, CSG etc).
- Regularly monitor and evaluate all aspects of the estate management service including customer satisfaction with our services and the physical environment.
- Build and design estates that contribute to our aim of providing attractive, secure and safe places to live.
- Provide a range of genuine opportunities for tenant/resident involvement in and/or control over estate management services and the management of local areas.
- Ensure quality information on all aspects of the estate management service is widely available in a variety of easily understandable forms.
- Making it easy for residents to report estate issues through our Self Service App and Web Portal

4. IMPLEMENTATION

4.1 Thenue Housing's Estate Management & Community Safety Service will include:

- The management and maintenance of communal areas and open spaces.
- A responsive approach to complaints from residents about the physical environment (complaints about neighbours are covered in our Anti-Social Behaviour Policy).
- The day-to-day management and maintenance of the external fabric of the properties.
- The monitoring of services provided by other agencies.
- The monitoring of tenants obligations in respect of estate management and proactive early action to deal with any issues arising.
- Arranging estate walkabouts between Area Services staff and local residents groups on an agreed cycle.

4.2 The following list represents some of the evidence which would result from good estate management within a neighbourhood:

- Little or no graffiti
- Little or no fly tipping or abandoned cars
- Tidy gardens and backcourts
- Clean communal areas (e.g. bin areas, closes)
- No vandalism
- Well maintained open spaces
- Few empty properties (other than those where lettings are suspended)
- Regular estate inspections with actions required followed through by staff

5. MANAGING MIXED TENURE ESTATES

Thenue Housing provides a factoring service to owners who live in mixed tenure estates where the Association manages rented property. Complementing these services are the associated estate management services which benefit the whole neighbourhood and also help to maintain property values within an estate. In providing such services we will ensure that:

- There is clear information provided for owners in respect of Thenue Housing's and individual owners' responsibilities in relation to areas of common ownership.
- We put in place quality contracted common maintenance services which offer value for money to Thenue and owners
- There is effective collection of common charges for common maintenance services to ensure that owners contribute their fair share towards the costs of providing services.

6. ESTATE MANAGEMENT SERVICES PROVIDED BY THENUE

Thenue Housing provides a range of estate management services, where appropriate, in our neighbourhoods. In particular, we will provide the following services:

6.1 A Garden Maintenance Service

Thenue Housing maintains common areas but it is the tenant's responsibility to maintain individual gardens to a satisfactory standard. This has always been more

difficult to enforce in some estates and house types particularly where tenement properties have front gardens.

The responsibility for maintenance and upkeep of front gardens to tenement property lies with the tenant of the adjacent ground floor flat (unless Thenue has agreed with the tenant to take on responsibility for this). Tenants of houses and cottage flats are responsible for the maintenance of front, side and rear gardens (with the exception of specific supported and retirement housing projects).

Tenants (and other household members) usually fail to maintain their gardens because of mobility problems and/or ill-health. However, in some cases it is due to a lack of interest or resources to look after a garden.

Where a tenant is able to maintain their garden but chooses not to, we will take action if required to get them to adhere to their obligations. This may include getting their garden cut or the complete removal of overgrown hedges (see 6.1.2 below). All costs incurred may be recharged where a tenant consistently fails to undertake their responsibilities.

Some tenants however, for a variety of reasons, may be unable to maintain their gardens and in the circumstances listed below we may provide assistance:

6.1.1 **Those tenants unable to maintain their garden for medical/mobility reasons.**

In the first instance the tenants' requests will be referred to the Glasgow City Council (GCC) scheme for residents where there is no one in the household fit enough to maintain the garden without assistance ("Assisted Garden Maintenance Service").

Where there is no place on the GCC scheme available, the tenant's garden may be maintained under the Associations own Assisted Garden Maintenance Scheme. This will be subject to assessment guidelines, priority and available funding through Thenue's annual landscape maintenance budget. No service charge will apply. The application form for Thenue Housing's garden maintenance scheme will detail our assessment guidelines. Thenue reserves the right to withdraw this service at any time.

Where no place is available on either the GCC or Thenue Housing's scheme and the tenant does not want to pay in advance for maintenance tenants will remain responsible for maintaining their garden. In such circumstances friends and relatives may have to assist until a place on a garden maintenance scheme is forthcoming.

6.1.2 **For estate management and letting reasons.**

This is not a "tenant request" scheme but would only be where identified by the Area Services & Repairs Manager on a close-by-close basis; subject to the estate management needs of the area and the funding available from the reactive maintenance budget. This may involve one-off cuts or hedge removal to assist tenants maintain the garden in the future. The Area

Services & Repairs Manager may also decide to maintain gardens on an ongoing basis to enhance the lettability of a close or street. This will be reviewed on a regular basis and may be withdrawn at any time subject to reasonable notice being given to the tenant responsible for taking on the maintenance of the garden.

6.1.3 **Void (empty) properties gardens**
During the growing season normally March to October, this will be funded from the area environmental maintenance budget.

6.2 **Close Cleaning Services**

6.2.1 In line with their tenancy agreement or, if an owner, with their title deeds, generally tenants and residents will be responsible for cleaning stairs and windows. This is usually from and including their landing down to the start of the next landing and will be expected to take their turn cleaning other common parts such as common entrance doors and stairs and landings where no flat is accessed from that landing.

6.2.2 We may, where a close cleaning service is not in operation, set up a rota to ensure that all stairs, landings and windows are regularly cleaned.

6.2.3 If a close fails to undertake their responsibilities we may consider imposing a full close cleaning service, subject to variations to a Tenancy Agreement, where appropriate.

6.2.4 We may also implement, where appropriate, a cleaning service for common closes and windows and actively encourage its uptake with residents. Where we do this, we will ensure that the close and window cleaning contract is self-financing (i.e. all residents including owners receiving the service should be required to pay an equal share of the cost of the service).

6.2.5 We aim to achieve a standard specification for the contract(s) in all areas, and periodically review the contract conditions and the service provided. We will regularly inspect all common closes to ensure that the resident or contractor is fulfilling their obligations to clean stairs and windows to a satisfactory standard.

6.2.6 Where Thenue Housing introduces a close cleaning service the tenant and owner will pay for this service and responsibilities will pass to a contractor employed by Thenue to take over cleaning responsibilities. Although Thenue can introduce or withdraw the close cleaning service the tenant would be in breach of their tenancy agreement if they fail to pay the close cleaning charge whilst the contract is in operation. An individual tenant in these circumstances cannot ask to withdraw from a service which applies to their close.

6.3 **Review of Contracts**
Thenue Housing regularly monitors and reviews all of our service contracts such as Landscape, Backcourt/Bin Store Maintenance, Bulk Uplift and Close Cleaning to

ensure value for money is achieved, and report as required as appropriate to local residents groups.

7. ESTATE MANAGEMENT SERVICES PROVIDED BY OTHER AGENCIES

7.1 Other agencies may provide the following services within our neighbourhoods:

- Refuse Disposal
- Graffiti Removal
- Street Sweeping
- Street Lighting
- Close Lighting
- Bulk Uplift (chargeable)
- Neighbourhood CCTV
- Pest Control
- Dog Warden Service
- Community Wardens/Patrol Officers

In particular we will work in partnership with Community Safety Glasgow to maximise use of their services to deal with a range of estate management issues.

7.2 Thenue Housing works in partnership with our residents groups to ensure that our neighbourhoods receive the best possible service from Local Government Departments, CSG and other agencies with responsibility for providing the above services. We will devise remedies for failing services, in conjunction with service users.

7.3 **Sourcing External Environmental Grants**
Thenue Housing aims to maximise income from external grant funding bodies which can contribute to the physical, social and economic improvement of our neighbourhoods.

8. INFORMATION

A copy of the summary policy, will be made available, where required, in other languages.

9. TRAINING

Thenue Housing provides appropriate training for all staff who have to deal with estate management in the course of their duties.

10. MONITORING

10.1 It is necessary to collect and analyse good quality information about estate management. In conjunction with service users we will set targets and monitor trends.

10.2 Thenue Housing reports as required to our Board, tenants' and residents' associations/groups and relevant contractors. We will also investigate the reasons

for failure to meet standards or targets, as indicated by the performance review process and take action where required.

10.3 Thenue Housing evaluates the costs of providing the estate management service to ensure the service provides value for money.

11. RESPONSIBILITY

The Area Services & Repairs Manager is responsible for ensuring this policy is implemented and for monitoring performance.
Property Services and Factoring staff will also be involved in implementing this policy.
The Director of Community Housing Services is responsible for reviewing this policy.

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ANTI-SOCIAL BEHAVIOUR

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1. INTRODUCTION

1.1 This policy aims to clearly set out Thenue Housing's approach and commitment to tackling Anti-Social Behaviour (ASB). It outlines what type of action that Thenue might take in response to such behaviour. On an annual basis our Area and Regeneration Management Plans will set our local priorities for tackling ASB.

1.2 The following Thenue Housing policies should also be referred to in the context of our approach to responding to anti-social behaviour

- Estate Management Policy
- Allocations Policy

2. SCOTTISH SOCIAL HOUSING CHARTER

The Scottish Social Housing Charter most relevant to this policy is:

6: Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes
Social landlords, working in partnership with other agencies, help to ensure that:
• tenants and other customers live in well-maintained neighbourhoods where they feel safe.

3. DEFINITIONS

3.1 Thenue Housing's Scottish Secure Tenancy (SST) at Section 3 - Respect For Others (paragraph 3.1) notes the tenant must ensure that:
'You, those living with you, and your visitors must not harass or act in an anti-social manner to, or pursue a course of anti-social conduct against, any person in the neighbourhood. Such people include residents, visitors, our employees, agents and contractors and those in your house.

In paragraph 3.2 it further clarifies that *'anti-social means causing or likely to cause alarm, distress, nuisance, or annoyance to any person or causing damage to anyone's property. Harassment of a person includes causing the person alarm or distress'.*

3.2 Although many neighbour disputes relate to issues such as stair cleaning and are, not necessarily seen as 'anti-social behaviour' as such, the Association recognises that many complaints of anti-social behaviour have their origins in disputes over stair cleaning, use of drying greens etc. Section 8 of this document defines anti-social behaviour further and gives examples of specific activity which are categorised according to the likely response from the Association.

4. STATUTORY FRAMEWORK FOR TACKLING ASB

Anti- Social Behaviour Act 2004
This Act sets out the main powers of enforcement available to housing associations and others in tackling anti-social behaviour (notwithstanding those available as a result of a breach of tenancy).

The Act defines anti-social behavior as follows:

A Person engages in anti-social behaviour if he/she

(a) acts in a manner that causes or is likely to cause alarm or distress; or

(b) pursues a course of conduct that causes or is likely to cause alarm or distress, to at least one person who is not of the same household.

Housing Scotland Act 2014

The following measures were introduced in this Act to help tackle and prevent ASB:

- Allowing a landlord, without going to court, to give **a short SST to a new tenant** where that person, or other specified person, has demonstrated the specified antisocial behaviour within the previous 3 years;
- Similarly, allowing a landlord, without going to court, **to convert a Scottish Secure Tenancy (SST) to a short SST**, where an existing tenant or other specified person has demonstrated the specified antisocial behaviour within the previous 3 years;
- Setting a new **term of 12 months for a short SST** given on any of the antisocial behaviour grounds, 18 months in cases where an extension applies – as set out below;
- Giving landlords the **flexibility to extend a 12 month short SST** given on any of the antisocial behaviour grounds for a further 6 months where housing support services are in place and where, for example, sufficient improvement in behaviour has not yet been demonstrated;
- **Automatic conversion to a Scottish Secure Tenancy (SST) at the end of the 12 month term** for a short SST given on any of the antisocial behaviour grounds, unless the landlord has taken action to extend the tenancy for a further 6 months, or has taken action to repossess the tenancy;
- New provisions for **cases where a landlord is seeking recovery of possession of a house let under a short SST on any grounds**. These include the flexibility for landlords to use the procedures at section 14 of the 2001 Act to take possession action at any stage during the term of the tenancy, providing the tenant with reasons for the landlord taking action under section 36 of that Act (including in antisocial behaviour cases, the obligations of the tenancy which have been broken), and a new right of review for tenants.
- New provision to give landlords the flexibility to use a **streamlined process for eviction** where a tenant (or any one of joint tenants), a person living in or lodging in the house, a subtenant or a person visiting the house has been convicted of an offence punishable by imprisonment within the previous 12 months (the court must make an order for recovery of possession of the house without considering whether the court thinks it is reasonable to do so).
  (An 'offence punishable by imprisonment' means that the offence carries imprisonment as a possible penalty but does not require that a custodial sentence was imposed as the penalty in the particular case.)

Framework for Tackling ASB

The Scottish Government's Framework for tackling ASB in Scotland is about promoting positive outcomes:

- by preventing ASB before it occurs;
- by resolving ASB effectively at an early stage when it does occur;
- by agencies working together more effectively;

- by communities being more involved in developing sustainable local solutions; and by communicating positive, evidence-based messages about our people and places.

The key message of this Framework is that communities are best served by not having to experience ASB in the first place and as such prevention, through meaningful community engagement, should be the focus of local approaches. It is only by preventing problems before they occur or intervening early when they do that we will deliver long-term sustainable solutions for communities.

The Framework represents a change in emphasis from solely focusing on the legislative measures in the ASB 2004 act, to place prevention and early and effective intervention at the heart of action to tackle ASB. This is something that Thenue strongly endorses and is committed to only using enforcement measures where more positive approaches to tackling ASB in our communities have failed.

5. POLICY OBJECTIVES

5.1 Thenue Housing understands the effects of neighbour nuisance, anti-social behaviour and harassment on individual tenants and communities**.** We believe that all tenants have a right to live peacefully in their homes and as such, take very seriously, the issue of anti-social behaviour which adversely affects that right.

In addition to the above statement we make the following commitments:

The Association will:

- Adopt policies and practices which aim to enable residents to live peacefully in their community.
- Aim to minimise the opportunities for conflict between neighbours.
- Make every attempt, within its resources, to enable all residents of Thenue property to live without undue disturbance or disruption from other tenants.
- Take all complaints about anti-social behaviour seriously
- Take a non-judgemental approach in the early stages of investigation, recognizing that some complaints may be unfounded or even malicious.
- Ensure all staff are regularly trained on how to deal with anti-social behaviour and neighbour disputes.
- Implement legal and good practice at all times.
- Develop a range of possible action for dealing with anti-social behaviour, including legal action where no other solution can be found.
- Promote mediation as a means of resolving neighbour problems.
- Encourage residents to resolve their disputes by mutual agreement.
- Ensure that the management of estates takes an area based approach, using staff that can identify local problems and build up relationships with residents.
- Through effective design, management and maintenance of our properties reduce the risk of such behaviour occurring.
- Encourage effective community involvement in the management of our neighbourhoods to reduce the potential for neighbour disputes and anti-social behaviour.
- Respond promptly, sympathetically and decisively to any complaints made relating to the anti-social behaviour of Association residents, their household and any visitors to their home.

- Properly record all complaints made and respond as consistently as possible.
- Make it easy for residents to report ASB/neighbour disputes through our Self Service App and Web Portal
- Only pursue court action for eviction as a last resort and where all other appropriate methods have failed (where behaviour is categorised as serious and/or persistent).
- Ensure that other relevant agencies such as Community Safety Glasgow, Police, Social Work, and Environmental Health play a full role in resolving behaviour or taking action, particularly where it is more appropriate for them to do so.
- Support tenants who require assistance in seeking assistance from external agencies

6. GOOD NEIGHBOUR RESPONSIBILITIES

6.1 All tenants of Thenue Housing sign a tenancy agreement (a Scottish Secure Tenancy Agreement). This important document will be the basis for the relationship between Thenue Housing, as the landlord, and individual tenants. It defines the Tenant's responsibilities in relation to their behaviour during the period of the tenancy. It is in effect each tenant's signed commitment to be a good neighbour. The tenancy agreement and the Housing (Scotland) Act 2001 contain information outlining how action may be taken for breach of contract.

6.2 **Section 3 of the Agreement – "Respect For Others**" contains the relevant clauses which define the behaviour expected of all tenants. Section 6.3 of the Tenancy Agreement confirms the legal process by which the Association will seek to end a tenancy through court proceedings.

6.3 Thenue Housing will take steps to make existing and prospective tenants fully aware of their responsibilities and of the action that will be taken against them if they (or anyone else they are responsible for) behave in an anti-social manner.

7. ANTI-SOCIAL BEHAVIOUR STRATEGY – REDUCING CONFLICT BETWEEN NEIGHBOURS

7 .1 Thenue Housing believes that the prevention of anti-social behaviour is of vital importance in the building and maintaining of stable and peaceful communities. We will therefore ensure that the opportunities for neighbourhood disputes are minimised wherever possible by having a clear strategy to achieve this.

7.2 Methods to Reduce Conflict

Information to Residents

Thenue Housing will provide clear information to residents on how to deal with neighbour disputes and guidance on what activities are considered to be neighbour nuisance, anti-social behaviour and/or harassment (through our web site and leaflets). This includes:

- excessive noise
- verbal abuse
- harassment
- uncontrolled dogs
- vandalism
- not keeping to agreed close cleaning rotas
- intimidation
- domestic violence
- uncontrolled children

- graffiti
- prostitution
- disturbing neighbours
- frequent, late parties
- unreasonable and unsubstantiated complaints against a neighbour
- dumping rubbish
- criminal activity affecting the property
- work incompatible with a residential area
- drug dealing from the property
- drug and alcohol misuse resulting in anti-social behaviour

Design Issues: New Build and Improvement

Thenue Housing will

a) minimise the potential for neighbour disputes and anti-social behaviour arising from poor design in new build and rehabilitation contracts.

b) and, in all such work, ensure the maximum opportunity for tenant involvement in the design process.

Allocation Issues

Thenue Housing recognises the part played by insensitive or inappropriate allocations of housing in potentially contributing to neighbour disputes. We may also not consider applicants for housing (by suspending them from our housing list) where there is clear evidence of anti-social behaviour by them (see Section 20 of our Allocation Policy)

8. CATEGORISING NEIGHBOUR NUISANCE AND ANTI-SOCIAL BEHAVIOUR COMPLAINTS

8.1 To assist staff, residents and others we will use categories of complaints to determine how we will respond to complaints of anti-social behaviour and neighbour disputes.

8.2 **Complaints Categories**

When complaints are received, staff will categorise accordingly. It is useful to categorise complaints to encourage consistency of approach and to clarify to all concerned the likely response of the Association. It should be recognised, however, that not all cases will be easily categorized and also that a neighbour dispute may begin at Category C level and subsequently move to Category B or A.

The Scottish Housing Regulator expects landlords to set locally agreed targets for resolving anti-social behaviour complaints. **Resolved means**:

- where the landlord has taken appropriate measures, as set out in its ASB policies and procedures, to address the cause of the anti-social behaviour complaint; or
- where the landlord does not have the authority or powers to resolve it has provided a full explanation of the landlords position.

Thenue will use the following categories and target timescales to set out for staff and tenants how we view and resolve complaints (according to the above definitions):

Category (A) (resolved within 1 day)

Complaints of a very serious anti-social nature e.g. violence, unprovoked attack and physical assault, drug dealing, and category two behaviour which is not only persistent, but has not changed despite repeated warnings from the Association or Police. Threats to, or attacks on, Thenue staff connected with their duties.

Category (B) (resolved within 2 weeks)
Complaints which indicate serious anti-social behaviour e.g. excessive and persistent noise, frequent disturbances, vandalism to Associations property, misuse of drugs/threatening behaviour, harassment, verbal abuse.

Category (C) (resolved within 4 weeks)
Complaints where neighbours clearly breach the tenancy conditions but are of a relatively minor nature eg stair cleaning, rubbish dumping, pet fouling, occasional noise nuisance.

The Association have consulted with relevant residents groups who have agreed to the above target resolution times.

9. RESPONSES TO NEIGHBOUR NUISANCE AND ANTI-SOCIAL BEHAVIOUR

9.1 General Good Practice in Recording and Acting on Complaints

Thenue Housing will:

- respond appropriately to all complaints concerning anti-social behaviour - in line with agreed locally agreed standards, target and good practice.
- ensure that early action is taken in response to a complaint.
- always offer a home visit to the complainant
- ensure that, wherever possible, staff deal face to face with residents in the first instance.
- listen sympathetically to all residents and will not pre-judge or make assumptions.
- advise residents of the actions they can take in response to anti-social behaviour.
- record all complaints and action taken in a clear and consistent manner.
- investigate and evaluate cases to assess the most appropriate action required
- support the victims of anti-social behaviour, particularly where they are at risk of reprisals and are required to give evidence in a court against their neighbour (staff should give regular updates on progress, advice on potential future action and implications for complainants).
- complete a risk assessment matrix for victims of ASB behaviour to assess their vulnerability.
- agree with a complainant how often/when we will keep them informed of progress with their complaint.
- set out clearly what we can and cannot do at the outset in response to a complaint.
- aim to agree relevant actions to be taken with the complainant - what would be a satisfactory outcome for them?
- Inform the resident when we intend to close a case, outlining action we have taken and seeking their agreement that the case can now be closed.
- complete a customer satisfaction survey on closing any case.

Recording Complaints
Complainants do not have to put any complaints in writing but may be asked to record incidents in 'diary sheets'. Complainants will be advised that their complaint has been recorded and they should also be notified of any action, if any, that has been taken in response.

Thenue Housing will make every attempt to act on each complaint made, however, the Association may not take any or further action where the complaint is anonymous and/or there is no corroboration from a reliable or impartial source.

Tenants who repeatedly complain about neighbours without any corroboration of anti-social behaviour from an independent third party and are unwilling to consider Mediation Services to resolve the dispute, may be given a warning by the Area Services and Repairs Manager that such conduct could constitute harassment of a neighbour and be in breach of section 3.1 of their tenancy agreement.

Complaints received by Thenue Housing will be recorded in accordance with our anti-social behaviour procedures.

Action to Resolve Complaints
Thenue Housing will provide staff with sufficient guidance and training to attempt to resolve neighbour disputes or anti-social behaviour through a variety of methods.

Our response may include one or more of the following:

- Referral to Community Safety Services (CSG)
- Home visits
- Correspondence with residents involved.
- Office Interviews
- Recharging tenants for work which they have failed to do or to cover the cost of repairs for damage caused by them.
- Mediation services
- Making Use of the Provisions contained in the Dog Fouling (Scotland) Act 2003
- Environmental Protection Services in the enforcement of local bye-laws
- Referral to the Police where activity is of a criminal nature
- Record incidents via the Third Party Hate Crime reporting mechanisms
- Requests to the Police for both informal and formal (Disclosures) information in relation to specific incidents where they have been involved
- Act of pro-active Disclosures received from the Police
- Requests to both mobile and static CCTV operators to monitor anti-social activity or to obtain images relating to particular incidents
- Consider an Urgent Priority move for a tenant who has been the victim of serious anti-social behaviour or harassment
- Withdrawal of allocation rights
- (Close) meetings with residents to resolve neighbour disputes
- Use of Interdicts or Specific Implement
- Relevant and appropriate warnings on all household members involved in anti-social behaviour
- Acceptable Behaviour Contracts
- Unacceptable Behaviour Notices
- Take Court action for the compulsory transfer a tenant who is guilty of anti-social behaviour
- Application for an Anti-Social Behaviour Order (ASBO) (a civil order to protect the public).
- Conversion of a Scottish Secure Tenancy to a Short Scottish Secure Tenancy
- Take streamlined eviction action where a criminal conviction has occurred within the vicinity of the home.
- Issue of a Notice Of Proceedings for Recovery of Possession as a warning against continued breach of tenancy
- Repossession of Tenancy Proceedings at the Sheriff Court
- Work with Community Safety Glasgow, the Police and others using other appropriate enforcement powers.

9.2 **Informally Resolving Neighbour Disputes**

We recognise that in some cases neighbour disputes may be better resolved by amicable agreement between residents.

Thenue Housing will:

a) Issue advice leaflet to complainants and encourage tenants to resolve their own disputes wherever possible
b) Record all such problems in case they develop further.
c) Always be prepared to get involved where the resident does not wish to take action him or herself.

9.3 **Involving Other Agencies**

We recognise that Thenue Housing may require other agencies to assist with resolving neighbour disputes. This may include arranging support for a tenant unable to cope with sustaining a tenancy or asking for assistance with investigating and resolving breaches of conditions of tenancy or anti-social behaviour.

We will liaise with the following agencies in particular in respect of the above:

- Police
- Community Safety Glasgow (referrals for Mediation services)
- Social Work Services

In exceptional cases the use of CSG or Private Investigators (or Professional Witnesses) and/or surveillance equipment may be used where all other attempts to obtain independent corroboration of complaints or anti-social activity has failed or intimidation of witnesses or complainants prevents action being pursued. Using an agency other than CSG must be authorised by the Head of Housing.

9.4 **Mediation**

Community or Neighbour Mediation is defined as an approach where the emphasis is on identifying "disputants" own voluntary solutions to the causes of conflict, rather than attempting to enforce external solutions. It can be on an individual or group basis. It is generally most effective with lower-level disputes (see category Two or Three).

Thenue Housing views mediation as an extremely positive way to resolve disputes between neighbours. We will refer cases to CSG Mediation team as appropriate. We are aware that mediation is only possible where both parties are committed to using mediation as a route to resolving the dispute between them.

9.5 **Legal Action**

Where all attempts to resolve an anti-social behaviour problem have failed and the behaviour is having an intolerable affect on other residents or the community, Thenue Housing may take legal action against a tenant who is in breach of their tenancy agreement and may ultimately evict or compulsorily transfer the anti-social tenant

Thenue Housing will:

- Only seek a decree for eviction when all other solutions have been pursued or considered as inappropriate.
- Ensure all intended court actions are approved by the Head of Housing

- Ensure that complainants are fully advised that we can only present evidence to the court on reasons why eviction should be considered and that the court process can be a lengthy one.
- During legal action, continue effective monitoring of a case.
- Ensure that tenants are given the opportunity to discuss their situation with a senior member of staff before a case calls in court. Other agencies will be invited to such a meeting if appropriate or at the request of the tenant.
- Refer all cases to the Association's Executive Team for approval to remove a tenant from their home where a decree for eviction has been granted by the court.
- Inform the Council's Social Work Department of the impending eviction action (when a request for a court hearing is made), after a decree is granted and prior to removing a tenant.

9.6 **Responding to Racial and Sectarian Harassment and Drug Dealing**

Racial, Sectarian & Other Harassment

Racial, Sectarian or any other kind of harassment will be considered a breach of an individual's tenancy agreement (leading to eviction or compulsory transfer in extreme cases) and as possible grounds for the transfer of the victim. In particular,
Thenue Housing recognises that in some cases victims/witnesses of Hate Crime do not feel comfortable reporting the matter directly to the Police and may be more comfortable reporting it to someone they are familiar with. To ensure all victims/witnesses are able to report Hate Crimes, Thenue Housing works in partnership with Police Scotland and are an official 3rd Party Reporting Centre. Relevant Thenue Housing staff have been trained to assist a victim or witness in submitting a report to the police and can make such a report on the victim/witnesses behalf. Thenue Housing will:

a) Make clear to all prospective and existing tenants that racial and sectarian harassment will be viewed as a serious breach of their tenancy agreement.
b) Encourage residents to report all cases of harassment
c) Take action against tenants who are found to be harassing other tenants - including court action for repossession in serious cases where other options have failed.
d) Treat all cases of racial and sectarian harassment seriously.
e) Act promptly to remove racist or sectarian graffiti.
f) Accept harassment as a priority for rehousing.
g) Report all incidents of Hate Crime incidents, in conjunction with relevant agencies such as CSG.

Alcohol, Drug and Substance Use

Thenue Housing will adopt policies and procedures to protect the rights of tenants to live peacefully in their houses whilst avoiding unfair discrimination against those with addiction issues:

Thenue Housing will:

a) Work in partnership with other agencies to put in place an action plan to tackle ASB from drug dealing and drug misuse in one of our communities.
b) Work with specialist organisations to secure the appropriate support for tenants with a problem of alcohol, drug or substance misuse.

c) Ensure that all staff are aware of the full range of specialist agencies and support services available to drug and alcohol misusers and their families.

d) Whilst not viewing drug, alcohol or substance use in itself as constituting anti-social behaviour Thenue will take action, including eviction, against tenants whose misuse causes a nuisance/disturbance or danger to others, such as:
   - Leaving used needles in shared/public areas
   - Violent, abusive, criminal or any other form of anti-social behaviour resulting from drug and alcohol misuse
   - Drug dealing from within or in the vicinity of an Association property.

e) Report cases of known drug dealing to the police.

9.7 **Neighbour Disputes Involving Owner Occupiers, Sub Lets and Sharing Owners**
Thenue Housing manages mixed tenure estates of Thenue tenants, owner occupiers and their sub lets and sharing owners.

Where Thenue Housing receives a complaint from a tenant or resident about a sharing owner or owner occupier or their sub let we will investigate the matter using the principles set out in this policy. We will examine any obligations which an owner has in a Title Deed, Feu Disposition, or Occupancy Agreement (in the case of sharing owners) or local authority regulations and consider whether any behaviour or activity is contrary to their obligations.

The legal action we take however, will be limited to the options which are relevant to owners or sharing owners such as:
- An application for an Anti-Social Behaviour Order
- Issue an ABC or UBN
- Interdict
- Action for Specific Implement
- Notification to a Lender of a breach of legal obligations.
- Referral to CSG Private Landlord Registration Team for appropriate action where properties are being sublet
- Seek closure orders

In addition to the commitments from Thenue Housing as noted above, we will also advise residents where appropriate of:
- the legal options open to them as individuals to pursue.
- CSG services for residents who are experiencing ASB (including Landlord Registration Scheme, Noise Nuisance Team).

Complaints from an owner occupier or their sublet or a sharing owner (or any other member of the community) about a tenant will be dealt with in the same way as if the complainant was another tenant.

10. SERVICE STANDARDS AND PERFORMANCE MONITORING

10.1 **Service Standards**
Thenue Housing sets standards to achieve continuous improvement, in conjunction with service users. In addition to the commitments made in this policy the following service standards will apply to our approach to dealing specifically with neighbour complaints and ant-social behaviour:

When you make a complaint about anti-social behaviour

We will:

- not ask for complaints to be made in writing before investigating.
- help you to complete our neighbour complaints form.
- visit you (or contact you by phone) within 1 working day if an incident is very serious or serious (Category A and B cases) such as drug dealing from the property or excessive persistent noise disturbance.
- visit you (or contact you by phone) you within 5 working days (Category C cases) such as stair cleaning complaints.
- make regular contact with you during ongoing complaints.
- make clear to all tenants that any form of harassment of a neighbour will be viewed as a serious breach of the Tenancy Agreement.
- Visit you or contact you by your preferred method for all incidents of anti-social behaviour as per our locally agreed targets
- aim to resolve your complaint within 1 working day if it is a very serious complaint (Category A) such as harassment, violence, threats of violence or a hate crime
- aim to resolve your complaint within 2 weeks if it is a serious complaint (Category B) such as allegations of petty criminal activity, excessive persistent noise.
- aim to resolve your complaint within 4 weeks if it is a minor complaint (Category C) such as stair cleaning.
- agree with you how often/when we will keep you informed of progress of your complaint
- set out clearly what we can and cannot do at the outset in response to a complaint
- Inform you when we intend to close a case, outlining action we have taken and seeking your agreement, where possible, that the case can now be closed.
- Complete a customer satisfaction survey on closing any case.

10.2 **Monitoring Performance and Reviewing Complaints**

It is necessary to collect and analyse good quality information about complaints received in order to review whether practice is achieving the desired outcomes. Thenue will review on a quarterly basis all complaints received. The Community Housing Services Quarterly Performance Report will list the total number of complaints according to the categories described in this policy, with further analysis on response, type of complaint, location etc.

This report will also monitor our performance against the Scottish Social Housing Charter Indicator 19: Percentage of ant-social behaviour cases reported in the last year which were resolved within locally agreed targets.

11. SERVICE COMPLAINTS

Any tenant whether the victim or perpetrator of anti-social behaviour who is unhappy about the manner or procedure followed in dealing with a complaint can register a complaint according to the Complaints Handling Policy.

12. CONFIDENTIALITY

12.1 Every effort will be made by staff to protect the confidentiality of complaints made, and avoid the risk of subsequent Association action exacerbating a situation.

12.2 We will encourage all tenants to report in confidence cases of anti-social behaviour to Thenue Housing staff, and, where necessary, to CSG, the police, the social work department or environmental health.

13. CONSULTATION

Area Associations, Registered Tenant Organisations and other residents groups will be consulted on the policy and any subsequent review.

14. RESPONSIBILITY

14.1 Thenue Housing will ensure staff are well trained and have sound knowledge of current legislation and good practice in relation to good neighbour management. Furthermore we will provide more general training for staff as required on issues such as dealing with aggressive behaviour.

14.2 The Area Services and Repairs Manager will be responsible for ensuring this policy is implemented and for monitoring performance and will oversee necessary actions taken including approving conversions of tenancy.

14.3 The Director of Community Housing Services is responsible for reviewing this policy.

14.4 The Area Services and Repairs Manager and Director of Community Housing Services must also approve any Thenue Housing court action in respect of anti-social behaviour prior to instructing our Solicitors.

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DOMESTIC ABUSE

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1 INTRODUCTION

This policy statement outlines the way in which Thenue Housing deals with cases of domestic abuse.

2 POLICY BACKGROUND

This policy statement has been developed by making reference to the following:

- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2014
- Domestic Abuse (Scotland) Act 2011
- Domestic Abuse (Scotland) Act 2018 Part1 & Part 2
- Domestic Abuse (Scotland) Act 2021
- Domestic Abuse – A Good Practice Guide for Social Landlords (ALACHO, CIH SFHA, Shelter, Scottish Womens Aid), 2019
- Equalities Act 2010
- General Protection Act, 2018

Retired

3 POLICY AIMS AND OBJECTIVES

The Make a Stand Pledge has been developed by the Chartered Institute of Housing in partnership with Women's Aid and the Domestic Abuse Housing Alliance. It has been created to encourage housing organisations to make a commitment to support people experiencing domestic abuse. Thenue Housing signed up to the Make a Stand Pledge and our commitment is to ensure that we are offering the relevant support to both tenants and staff that are experiencing domestic abuse. This policy sets out how Thenue Housing will work in a manner consistent with this in the delivery of its services.

4 POLICY SCOPE AND CONTEXT

This policy outlines how Thenue Housing will take steps to assist and support any person who is the victim of, or is threatened with domestic violence, abuse or coercive control. It applies when responding to anyone experiencing domestic abuse including men, lesbian, gay, bisexual, transgender people and gender non binary people (LGBT+) relationships. Domestic abuse is common but often concealed and mostly, it is experienced by women and perpetrated by men. For example, where gender information was recorded:

- 81% of all incidents of domestic abuse reported to the police in Scotland in 2017-18 had a female victim and a male perpetrator
- It is hard to estimate the scale of domestic abuse in Scotland because so few women report it to the police or any other agency
- latest Scottish Government statistics (2017-18) there were 59,541 incidents of domestic abuse recorded by the police
- it is a pattern of abuse

- most women who ask for help have been “subjected to a pattern of domination that includes tactics to isolate, degrade, exploit and control them”. This is known as coercive control: a pattern or course of behaviour.

5 DEFINITION OF DOMESTIC ABUSE AND COERCIVE CONTROL

Defining domestic abuse is categorised as a crime in Scotland. The Domestic Abuse (Scotland) Act, 2018 recognises coercive control as a criminal offence and is described as persistent and controlling behaviour by a partner or ex-partner which causes physical, sexual and or/emotional harm between those aged 16 years or over who are or who have been intimate partners or family members, regardless of gender or sexuality. In this Policy context, reference to domestic abuse also includes domestic violence or coercive control. This can encompass but is not limited to the following types of abuse:

- physical
- emotional
- psychological
- sexual
- financial

This definition includes honour-based abuse and forced marriage and is clear that cases are not confined to one gender or ethnic group. The frequency and severity of domestic violence can vary dramatically, just one encounter counts as abuse, and it can be an ongoing pattern of behaviour. However, the one constant element of domestic abuse is the abuser's consistent efforts to maintain power and control over the other person. Domestic abuse can affect anyone regardless of ethnicity, age, gender, sexuality or social background.

Retired

Domestic abuse is one form of gender-based violence (GBV) but there are other forms including rape and sexual assault, forced marriage and childhood sexual abuse. Because of prevalence over the life course, a tenant who is experiencing domestic abuse may have experienced domestic abuse from a previous partner and/or other forms of GBV. This adds to the trauma of domestic abuse and its long term impact on health and wellbeing.

6 EQUALITIES AND INCLUSION

Thenue Housing delivers all aspects of its housing services so that every tenant and customer has their individual needs recognised, is treated fairly and with respect and receives fair access to housing and housing services. This Policy has undergone an Equalities Impact Assessment to ensure fairness of treatment across all groups. This includes the needs of Black and Minority Ethnic (BME) victims by providing accredited interpreting services and specialist support as appropriate.

7 REPORTING OF DOMESTIC ABUSE

Thenue staff should react in a sensitive and appropriate manner if receiving a report of domestic abuse and they should:

- always adopt a victim-led approach

- not exaggerate or trivialise domestic abuse issues;
- allow the person time to speak and not interrupt or make suggestions to them which could imply making an investigation; allow the conversation to be led by the person;
- reassure the person that they are glad she or he has told what has happened and that it was right to tell;
- not interrogate or question other than to clarify what has happened;
- be honest, tell the person that staff will have to talk to someone else that can help if needed;
- remain calm, no matter how difficult it is;
- don't take any action that is not agreed with the person involved;
- agree how future contact is going to work and the methods in order minimise risk to the person.

As soon as is practicable, staff must record everything that has been told to them and follow the agreed procedures.

8 CONFIDENTIALITY

It is vitally important that Thenue Housing staff maintain confidentiality in relation to domestic abuse cases due to their sensitive nature. The privacy of the matter is important and Thenue Housing staff may be the first ones the person has confided in. However, if a person may be at risk of harm, this will always override a professional or organisational requirement to keep information confidential whilst fully complying with GDPR. Thenue Housing staff have a responsibility to alert the appropriate statutory authorities should a person's safety or welfare be at risk.

Retired

9 APPROACH TO TENANCIES

If the tenant wants to remain in their home, Thenue Housing will assist and support them wherever possible. (This could include a referral to suitable local agency). During 2021, the Scottish Government introduced powers to allow the Police to issue Emergency Protective Orders (EPOs) in cases of domestic abuse. These are short term powers designed to remove perpetrators of domestic abuse from the family home. In some cases however, the tenant may feel unable to return to their home, either in the immediate or longer term. Urgent rehousing is a consideration for those cases, but there should be a case by case assessment. These will be considered by the Director of Community Housing Services following recommendation from the Areas Services and Repairs Manager or Housing Support Manager and in line with the Allocation Policy.

Thenue Housing will aim to provide appropriate support to tenants of domestic abuse by ensuring that contact is maintained and with the permission of the tenant by ensuring that they are referred to other specialist agencies that can provide support.
If the tenant experiencing domestic abuse is named on the tenancy agreement, they may be able to transfer the tenancy agreement solely into their name.
This will depend on:

- the legal status of the relationship
- what name/s are on the tenancy agreement

If the tenant is married or has a registered civil partnership, the partner will have a right to live with the tenant within the family home, even if their name is not on the tenancy agreement. Application will require to be made to court for an Exclusion Order to suspend their rights to live in that home. The court will grant an Exclusion Order when it can be shown that it is necessary for a tenant's own protection or the protection of their children.

10 APPROACH TO REPAIRS, ARREARS AND RECHARGES

Thenue Housing will consider arranging and paying for additional security of a property in order that a tenant of domestic abuse feels safe to return. This may include items such as lock changes or additional door or window locks.

Where the police wish to install additional security, permission will be given immediately subject to agreement on who will maintain such items. Panic buttons and alarms will not be the responsibility of Thenue to maintain.

In cases where the property has been damaged by a perpetrator of domestic abuse, repairs will be carried out by Thenue Housing in line with the Rechargeable Repairs Policy. Although a Crime Reference Number is usually required, in exceptional circumstances, the Director of Community Housing Services has the authority to waive this condition as well as waive the recharge in some cases, so not to penalise the victim of the abuse. Where appropriate, Thenue Housing may seek to take direct action against the perpetrator and report the damage to the police as a crime.

Retired

Where the tenancy has a debt owed to Thenue Housing, a decision will be made by the Director of Community Housing Services as to whether the correct action is to support the move or not. Again, this will be on a case by case basis in line with the agreed procedures.

11 THENUE ACTION AGAINST PERPETRATORS

Any tenant found guilty of domestic abuse, violence or coercive behaviour within the terms of the Domestic Abuse (Scotland) Act, 2018 or other relevant legislation, will be in breach of their tenancy agreement. The Association will take appropriate steps to end that tenancy.

12 PREVENTION OF HOMELESSNESS AND HOUSING OPTIONS

By adopting a victim-led approach, Thenue Housing will give clear housing options advice to support victims to make informed decisions to prevent them becoming homeless. If the victim chooses to remain at home, Thenue Housing will consider the award of Urgent Priority and consideration of a Management Transfer as outlined in the Allocation Policy. Staff will provide information and advice including how to access refuge accommodation, the right to make a homeless application (including the right to temporary accommodation) and support and advice will be provided to help explore rehousing in areas outwith Thenue Housing's areas of operation.

13 INTERAGENCY WORKING

Thenue Housing will work collaboratively with all relevant statutory and voluntary agencies in order to provide advice and support to meet the needs of any tenant experiencing domestic abuse.

14 MANAGING RISK

Thenue Housing will aim to ensure that wherever possible, risk to the tenant is minimised. This will include measures such as appropriate staff training, offering mediation or joint interviews, interpreting services.

15 INFORMATION AND ADVICE

Thenue Housing staff will provide up to date information and advice - both verbally and by providing appropriate written advice as well as online information. Staff will also signpost tenants to appropriate agencies who specialise in domestic abuse and can provide a range of services including sources of support; legal and family law advice; and provision of translation services.

16 TRAINING

Staff training will be carried out to ensure awareness of domestic abuse and the requirements of this policy and to assist in identifying indicators where domestic abuse is present. Thenue Housing recognises that dealing with domestic abuse issues and referrals may be stressful for staff involved. Line managers will source the appropriate help and support for colleagues affected by cases as required.

Retired

17 POLICY IMPLEMENTATION

Implementation of this Policy is detailed in the procedure which sets out the way in which staff should deal with cases of suspected, alleged or actual domestic abuse. Thenue Housing staff are responsible for implementing this Policy. The Chief Executive has overall responsibility within Thenue Housing and the Executive Team should ensure that all staff, students and volunteers are fully aware of their responsibilities in relation to domestic abuse.

19 MONITORING AND REVIEW

The Director of Community Housing Services will review monthly reports on any incidents of domestic abuse and any incidents of concern will be reported to the Chief Executive and Executive Team.

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CHILD PROTECTION

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1 INTRODUCTION

This policy statement outlines the way in which Thenue Housing deals with child protection issues.

2 POLICY BACKGROUND

This policy statement has been developed by making reference to the following:

- Childrens (Scotland) Act 1995
- National Guidance for Child Protection in Scotland, updated 2023, Scottish Government
- Protection of Vulnerable Groups (Scotland) Act 2007

3 POLICY AIMS AND OBJECTIVES

Thenue Housing recognises that children have the right to be protected from abuse and harm at all times and in all situations. This policy sets out how Thenue Housing will work in a manner consistent with this in the delivery of its services.

It is anticipated that Thenue Housing's staff will have limited contact with children and will not have substantial access to children in the form of one-to-one contact.

4 POLICY SCOPE

This policy specifically aims to cover the protection of all children and the safeguarding of anyone up to the age of 18 depending on their individual circumstances who may be at risk. However, depending on individual circumstances (see below), those over the age of 16 may at times, be covered within our Adult Support & Protection Policy.

In Scotland, the definition of a child varies in different legal contexts, but statutory guidance which supports the Children and Young People (Scotland) Act 2014, includes all children and young people up to the age of 18. Where a young person between the age of 16 and 18 requires support and protection, services will need to consider which legal framework best fits each persons' needs and circumstances. The National guidance for child protection in Scotland gives more detail about this and explains how professionals should act to protect young people from harm in different circumstances (Scottish Government, 2023a).

The Children and Young People (Scotland) Act 2014 defines a "child" for the purposes of all parts of that Act, as someone who has not attained the age of 18.

The individual young person's circumstances and age will dictate what legal measures can be applied by statutory services. For example, the Adult Support and Protection (Scotland) Act 2007 can be applied to those over the age of 16 where the criteria are met.

Where a young person between the age of 16 and 18 requires protection, statutory services will determine which legislation or policy applies. This will depend on the young person's individual circumstances as well as on the particular legislation or policy framework.

This policy applies to current Thenue Housing staff members, volunteers and students (on placement with Thenue).

5 DEFINITION OF CHILD ABUSE

Defining child abuse is a complex matter. What is considered to be child abuse changes over time and is shaped by attitudes, experience, policy and legislation. Within the context of child protection, abuse can be broadly defined as an "act of ill treatment that can harm or is likely to cause harm to a child's safety, wellbeing and development". For the purpose of this policy, abuse is defined to include:

- physical injury
- sexual abuse
- emotional abuse
- physical abuse or neglect
- non-organic failure to thrive

6 RECOGNISING ABUSE OR HARM

There may be times when Thenue Housing staff become aware of actual or possible child abuse. Concerns about a child or young person can arise in a number of ways, eg, an accumulation of concerns, a single significant incident, reports from the child themselves, observation of child/parent interaction or information from those known to the child or a member of the public. There may be some situations where children and young people are unaware that they are being abused or have difficulty communicating this information to others. The child may be living with or affected by:

- problematic alcoholic and/or drug use
- mental health/illness
- disability
- domestic abuse
- neglect

The child may:

- have unexplained bruising or bruising in an unusual place
- appear afraid, quiet or withdrawn
- be afraid to go home
- appear hungry, tired or unkempt
- be left unattended or unsupervised
- have too much responsibility for their age
- be acting out in a sexually inappropriate way
- be misusing drugs or alcohol
- be subject to delays in parents seeking medical attention for their child.
- express conflicting explanations or inconsistent reports of medical treatment received, reasons for marks/injuries, reasons for absence from school or medical appointments

- display inappropriate behaviour
- be offending
- be using sexualised language

Not all children who are abused or neglected will display these signs and equally a child may display some of these signs and symptoms for other reasons.

7 MINIMISING RISK

Thenue Housing staff should seek to avoid situations where they have unsupervised, lengthy periods of access to children by ensuring that another staff member is present or by ensuring that the child's parent, carer or guardian is present at all times.

If this occurs, it is essential that staff react in a sensitive and appropriate manner by:

- not exaggerating or trivializing child abuse issues;
- allowing the child time to speak and not interrupt or make suggestions to them which could imply making an investigation;
- reassuring the child that they are glad she or he has told what has happened and that it was right to tell;
- not interrogating or questioning other than to clarify what has happened;
- being honest, telling the child that staff will have to talk to someone else that can help and
- remaining calm, no matter how difficult it is

As soon as is practicable, staff must record everything that has been told to them.

All suspected or alleged abuse will be treated seriously and the staff member should initially discuss their concerns with their immediate line manager. The line manager, having consulted with the Head of Community Housing Services, should contact the CONNECT (HSCP) Service immediately. The concerns will be clearly stated, including the basis for the suspicion or allegation. If an unsatisfactory response is received from the HSCP, staff should contact the local police station or the Reporter to the Children's Panel.

8 CONFIDENTIALITY

If a child or young person may be at risk of harm, this will always override a professional or organisational requirement to keep information confidential. In normal circumstances, and consistent with the need to protect the child, children, young people, their parents or guardians will be advised of this. Thenue Housing staff have a responsibility to make sure that a child whose safety or welfare may be at risk, alert the appropriate statutory authorities.

9 ALLEGATIONS OF ABUSE MADE AGAINST AN EMPLOYEE, STUDENT OR VOLUNTEER

Where an allegation of abuse is made against an employee, student or volunteer of Thenue Housing, the Chief Executive will be advised and the allegation will be investigated. This may involve suspension of the employee, student or volunteer pending an investigation and

potential disciplinary action in line with agreed terms and conditions of employment or engagement.

10 TRAINING

Staff training will be carried out to ensure awareness of child protection issues and the requirements of this policy and to assist in identifying indicators of the occurrence of child abuse. Thenue Housing recognises that dealing with child protection issues may be stressful for staff involved. Line managers will remind staff of the services available through the Employee Counselling Service.

11 POLICY IMPLEMENTATION

Implementation of this Policy is detailed in the procedure which sets out the way in which staff should deal with cases of suspected or alleged child protection issues. Thenue Housing staff are responsible for implementing this Policy. The Chief Executive has overall responsibility for child protection within Thenue Housing and the Executive Team should ensure that all staff, students and volunteers are fully aware of their responsibilities in relation to child protection.

12 MONITORING AND REVIEW

The Director of Community Housing Services will review monthly reports on any incidents of abuse and any incidents of concern will be reported to the Chief Executive and Executive Team.

PROTECTION OF VULNERABLE ADULTS

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1 INTRODUCTION

This Policy statement outlines the way in which Thenue Housing deals with protecting vulnerable adults within its tenancies.

2 POLICY BACKGROUND

This policy statement has been developed by making reference to the following:

- The Protection of Vulnerable Groups (Scotland) Act 2007
- Adult Care and Protection Act 2007 Code of Practice
- Glasgow Adult Support and Protection Procedures

3 POLICY AIMS AND OBJECTIVES

Thenue Housing recognises the vulnerability of tenants and is concerned to protect individuals from situations of abuse; to support them in complaining about instances of abuse or neglect and to maintain standards of support which respect their rights, dignity and choice. Thenue Housing takes a victim centred approach in relation to all allegations of abuse.

This policy takes account of aspects of law which are designed to benefit tenants at risk from abuse and also details appropriate measures to protect staff. Thenue Housing recognises the role of other agencies in the care and support of its tenants including multi-disciplinary assessments, care management and effective personal support planning.

4 INTRODUCTION

4.1 The protection of adults at risk of harm is not an option but a responsibility across agencies. The expectation for all “at risk” adults in our communities is that they are empowered, through support from all the public services including social work services, police, health, housing and care organisations to be free from any preventable harm or exploitation. They are enabled to make their own choices about their lives and to live as independently as their personal circumstances may permit.

4.2 Thenue Housing is committed to the protection of tenants at risk of harm, and the safeguarding and promoting of the interests and well-being of such adults is of paramount concern.

4.3 Thenue Housing strives to ensure to the best of its ability that tenants will not encounter harm of any form and that, if abuse is detected, the situation will be reported immediately to allow investigation by the appropriate statutory agencies.

4.4 Thenue Housing strives to ensure to the best of its ability that it will protect tenants from exploitative relationships. In such circumstances where it is found that an adult is at risk then we undertake to liaise with Glasgow City Council Health and Social Care Partnership (HSCP) or the relevant local authority

4.5 Thenue Housing will ensure that staff will be alert to the possibility that they may become aware of adults requiring support and protection. In all cases staff will

report their concerns using Thenue Housing's reporting procedures, as detailed in the procedure.

4.6 Thenue Housing recognises that the protection of adults at risk of harm is placed above all other operating principles and supersedes the principle of confidentiality.

5 LEGISLATION

5.1 In Scotland, there are three Acts of the Scottish Parliament which relate specifically to adult protection. These are:

- Adults with Incapacity (Scotland) Act, 2000 (revised in 2007 and 2008). This Act imposes duties on, and assigns functions to, local authorities in relation to the making of enquiries in respect of adults who lack capacity, and the creation, application and supervision of proxy decision making powers in respect of such adults. Under the terms of Section 10 of the Adults with Incapacity (Scotland) Act 2000, the local authority must investigate:
  'any circumstances made known to them in which the personal welfare of an adult seems to be at risk'
  This means that, the local authority must investigate allegations of abuse involving an adult who lacks the capacity to make or convey decisions for him or herself, whether the adult concerned agrees to the investigation or not.
  It is the function of the Public Guardian to investigate situations of suspected financial abuse involving adults who lack capacity under Section 6 of the same Act.
- Mental Health (Care & Treatment) Scotland Act, 2003 (revised in 2015). This Act imposes duties on, and assigns functions to, local authorities and health boards in respect of social and mental health well-being, the making of enquiries in respect of persons who appear to have a mental disorder, and (where necessary) the application of compulsory measures in relation to the assessment and treatment of persons having a mental disorder.
- Adult Support and Protection (Scotland) Act 2007 (revised Code of Practice 2022). This Act imposes duties on, and assigns functions to, local authorities in respect of the making of enquiries, the conduct of investigations, the application for protective powers in respect of adults defined by the legislation to be at risk of actual or suspected harm. This Act also brought about the creation of Adult Protection Committees in every local authority area.

5.2 It is the responsibility of adult protection agencies such as the HSCP and the Police to make enquiries (proactive and reactive) and to carry out appropriate investigations in order to establish:

a) whether or not an adult is at risk from harm or suspected harm; and, if so,
b) which, if any, of the protective measures available in terms of the legislation are most appropriate to an adult at risk's individual circumstances.

5.3 It is, however, everyone's responsibility to report concerns regarding any adult who is, or who appears to be, at risk of harm to CONNECT (HSCP). Concerns that a vulnerable adult is at risk of exposure to criminal activity such as fraud then Police must be notified as well as the HSCP. However, in order to avoid confusion and to have clear lines of accountability, Thenue Housing staff (volunteers and students)

should report concerns directly to their Line Manager the first instance. The procedure outlined at Section B sets out the reporting guidelines.

5.4 For the purposes of the Adult Support & Protection (Scotland) Act 2007, an "adult" is a person aged 16 or over. However, if the adult concerned is 16 or 17 years of age, it is possible that s/he is already subject to a Supervision Order or other Order under the Children (Scotland) Act, 1995, or other social work or childcare legislation. If the Association's staff know that such an Order is in place in respect of that person, they should include that information in their report to their line manager/named person. It is the responsibility of the HSCP to carry out any investigations about anyone who may be subject to such an Order. The procedure outlines the reporting guidelines.

5.5 Under the Adult Support and Protection (Scotland) Act 2007 'adults at risk' are defined as adults aged 16 or over who

a) are unable to safeguard their own well-being, property, rights or other interests,
b) are at risk of harm, and
c) because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.

5.6 The Adult Support and Protection (Scotland) Act 2007 states harm includes all harmful conduct and in particular includes:

- conduct which causes physical harm
- conduct which causes psychological harm (for example by causing fear, alarm or distress)
- unlawful conduct which appropriates or adversely affects property, rights or interests (for example: theft, fraud, embezzlement or extortion)
- conduct which causes self-harm.

6 FACTORS WHICH MAY INDICATE HARMFUL BEHAVIOUR TOWARDS AN ADULT AT RISK

There are a range of factors which can indicate harmful behaviour towards a vulnerable adult. Examples of these factors are listed as Appendix One.

7 TYPES OF HARM

There are a range of types of harm which can be perpetrated which include physical, emotional, sexual, and financial or acts of omission (neglect). Examples of types of harm are listed as Appendix Two. The similarity between the acts of harm listed is recognised. However, the key factor in relation to activating adult protection procedures in such situations is that the victim (or suspected victim) must be an adult at risk of harm as defined in the Act.

8 TRAINING

8.1 As an allegation of abuse can come to the notice of any member of staff at any time, all staff members will receive training in Adult Protection

Procedures, either as part of an initial induction, or as part of an ongoing training programme.

8.2 Employees / volunteers will be made aware of the existence of the Adult Protection Policy and Procedure, and their responsibilities in relation to the Adult Protection process:

- through the provision of training
- by issuing a copy of the policy to all new staff members
- by publicising its existence at strategic points of office/service locations.

8.3 Staff can access this policy at all times on the Intranet or on Invu

9 CONFIDENTIALITY

9.1 There is a clear requirement across agencies to co-operate in relation to the protection of adults seen to be at risk of harm. Thenue Housing will ensure appropriate mechanisms are in place for staff to report any concerns to the HSCP and/or the police, as may be appropriate in the circumstances. Thenue Housing will also ensure that appropriate mechanisms are in place in relation to any ongoing involvement and assistance by staff, in consultation with the relevant statutory agencies, towards effective risk management and continuing support to the tenant.

9.2 To ensure appropriate protective measures can be put in place, it is recognised that confidential information will need to be shared with other workers, managers and other agencies on a "need to know" basis and in line with GDPR provisions as set out in Thenue Housing's policy and procedures.

9.3 Thenue Housing staff, volunteers and students have a duty to report concerns about an adult thought to be at risk of harm (as defined in the ASP Act). Where an adult is seen to be at risk of harm, this will always override a professional or organisational requirement to keep information confidential, subject to the provisions of GDPR. It is the responsibility of those employed or involved with Thenue Housing to take appropriate action to ensure the adult deemed to be at risk is protected from harm.

10 PRINCIPLES OF REPORTING AND INFORMATION SHARING

10.1 The protection of adults at risk of harm is placed above all other operating principles and supersedes the principle of confidentiality. Any concerns a member of Thenue Housing's staff may have regarding the safety and well-being of an adult at risk of harm should be brought to the attention of their line manager/named person immediately.

10.2 Although it is recognised that a service user's privacy must be protected at all times, in situations where abuse is suspected, there must be free communication between participating agencies throughout the investigation. Under no circumstances will information on an adult be withheld from Social Work Services because the holder of the information thinks that it might compromise a third party. If a staff member

is given information relating to adult abuse 'in confidence' they must make clear that any information relating to adult or child abuse must be passed on to Social Work Services and/or police for investigation.

10.3 In all cases of suspected adult abuse, it must be recognised that children involved in the situation might also be at risk and that Child Protection Procedures might have to be invoked.

10.4 If the adult has any communication issues (eg, language, limited hearing, etc), a communication support worker should be appointed to work with the adult. This should be arranged in consultation with Social Work Services.

10.6 Using a member of the adult's family as an interpreter or communication support worker must be avoided.

11 NAMED PERSON

11.1 Thenue Housing acknowledges that having a specific member of staff as a named person/post in respect of adult protection is good practice. Our named person/post will be a manager within the organisation who has sufficient knowledge/expertise to deal with any concerns raised.

11.2 Thenue Housing recognises that providing a named person ensures that all allegations of abuse are reported to a central point to allow a consistent response and to maintain an overview of reports from staff. Concerns can then be passed on quickly and appropriately.

11.3 The named person/post will monitor issues and detect trends as these occur.

11.4 Thenue Housing's named person/post is: Housing Support Manager.

11.5 In the event that the named person / post is not available, the Director of Community Housing Services will stand in.

12 POLICY IMPLEMENTATION

Implementation of this Policy is detailed in the procedure which sets out the way in which staff (volunteers and students) will deal with issues of protection. All staff have a responsibility for implementing this Policy. The Director of Community Housing Services is responsible for supervising and reviewing the implementation of this Policy.

13 MONITORING

The Director of Community Housing Services will review monthly reports on any incidents of abuse and any incidents of concern will be reported to the Chief Executive and Executive Team.

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PROTECTION OF VULNERABLE ADULTS

LIST OF FACTORS WHICH MAY INDICATE HARMFUL BEHAVIOUR TOWARDS AN ADULT AT RISK

These can include one or a combination of the following actions. The following indicators are, however, a guide only.

1 Harm can be a single or repeated act or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an adult. It can take the form of physical, sexual, emotional, psychological or domestic abuse, acts of neglect or omission, financial and material abuse and the withholding of information. The abuse can be multiple, involving some or all of the above.

2 Harm can occur in any setting: when an adult lives alone or with a relative; within nursing, residential, supported living or day care settings; in hospitals, custodial situations, support services in people's own homes and other places previously assumed safe, or in public places.

3 Staff will be aware that adults using Thenue Housing's services may previously have been subject to harm

- in their own home
- in the community
- having been abused by a relative, friend or acquaintance

4 On some occasions the perpetrator of the abuse might be at risk of abuse themselves; such as a tenant who regularly becomes inebriated and puts other tenants or members of staff into a state of fear. All parties involved can be considered as being potentially at risk however the person behaving abusively can also be treated as an adult at risk.

5 There is an expectation where the perpetrator of abuse is a member of staff that an internal investigation will not take precedence over reporting concerns to allow an investigation by Social Work Services and/or police. The procedure sets out the reporting guidelines.

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PROTECTION OF VULNERABLE ADULTS

EXAMPLES OF TYPES OF HARM THAT CAN BE PERPETRATED

1 Physical Abuse- involving actual or attempted injury to an adult defined as at risk. For example:

- Physical assault by punching, pushing, slapping, tying down, giving food or medication forcibly, or denial of medication
- Use of medication other than as prescribed
- Inappropriate restraint.

2 Emotional/Psychological Abuse- resulting in mental distress to the adult at risk. For example:

- Excessive shouting, bullying, humiliation
- Manipulation of, or the prevention of access to, services that would be of benefit to the adult
- Isolation or sensory deprivation
- Denigration of culture or religion

3 Financial or Material Abuse- involving the exploitation of resources and property belonging to the adult at risk. For example:

- Theft or fraud
- Misuse of money, property or resources without the informed consent of the adult at risk

4 Sexual Abuse- involving activity of a sexual nature where the adult at risk cannot or does not give consent. For example:

- Incest
- Rape
- Acts of gross indecency
- Inappropriate touching or verbal or physical sexual harassment

5 Neglect and acts of omission by others charged with the care of the adult, including ignoring medical or physical care needs. For example:

- Failure to provide access to appropriate health, social care or educational services
- Withholding of the necessities of life such as nutrition, appropriate heating, etc

6 Exploitation- the deliberate targeting of vulnerable adults for personal benefit

7 Discriminatory abuse- for example, treating one person less favourably than another

8 Information abuse- deliberately giving erroneous information or withholding information

9 Human rights abuse- for example deprivation of a right to family life or to a fair hearing

10 Multiple Forms of Abuse- This may occur in an ongoing relationship or service setting or to more than one person at a time. It is important therefore to look not only at a single incident, but to also consider the underlying dynamics and patterns of harm

11 Random Violence- An attack by a stranger on an adult defined as at risk is an assault; this is a criminal matter and should be reported to the police. However, where there is the possibility that the violence may be part of a pattern of victimisation in a community or neighbourhood, local authority Adult Protection procedures may also apply in respect of effective multi-agency intervention.

12 Domestic Abuse - Police Scotland define domestic abuse as "any form of physical, non-physical or sexual abuse which takes place within the context of a close relationship committed either in the home or elsewhere". In most cases this relationship will be between partners (married, cohabitating or otherwise) or ex-partners.

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