

Ardenglen Housing Association can provide this policy on request, in larger print, in Braille, in audio format or in other non-written format, and in a variety of languages, as appropriate.



## Hate Crime, Neighbour Disputes & Anti-Social Behaviour Policy

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Scottish Housing Regulator Standard:	1, 2, 4, 5 and 6



## **Vision**

***By providing aspirational homes and high-quality services we will transform communities to enhance the quality of life of our customers.***

## **Values**

- ***Customer and Community Focused***
- ***Treating our customers with respect***
- ***Accountable***
- ***Making a difference***
- ***Innovative***
- ***Equal access to services and opportunities for all***

## **Strategic Objectives**

- ***Deliver first class customer services***
- ***Provide quality homes, communities and sustainable tenancies***
- ***Achieve robust financial management and governance excellence***
- ***Empower, develop and engage our staff***
- ***Build strong collaborative relationships locally and nationally***

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## Hate Crime, Neighbour Disputes and Anti-Social Behaviour Policy

### 1. Introduction

- 1.1 The Hate Crime, Neighbour Disputes and Anti-Social Behaviour policy of Ardenglen Housing Association (Ardenglen) is central to the performance of its independently regulated housing activities and good governance.
- 1.2 Ardenglen is responsible for delivering good outcomes and services for customers. Ardenglen wants its customers to live safely and peacefully in their own homes and community without disturbance, nuisance or fear of being subject to, or witness, anti-social behaviour or hate crime.
- 1.3 Ardenglen operates a policy of 'Zero Tolerance' towards anti-social behaviour, harassment and hate crime. It will act to prevent such behaviour where possible and have systems in place for early intervention and remedy where necessary.
- 1.4 Ardenglen acknowledges that from time to time neighbour disputes will arise and that antisocial behaviour, harassment and hate crime may occur. The purpose of this policy is to set down clearly how we will identify and respond to complaints being made.
- 1.5 The policy reflects Ardenglen's approach to promoting human rights, equal opportunity, and to 'foster good community relations' under the Equality Act 2010. The policy's implementation provides the framework to enable the Board to have assurance and evidence that it considered equality and human rights issues properly when designing and reviewing its policies which guide its day-to-day service delivery.<sup>1</sup>
- 1.6 Ardenglen will work to ensure that the policy is proactively delivered and enables customers to be empowered to report incidents. Ardenglen operates as a Third-Party Reporting Centre for Hate Crime and is listed on the Police Scotland website for people to contact.<sup>2</sup>
- 1.7 This policy links to Ardenglen's policies on Data Protection, Tenant Engagement Strategy, Tenant Management, Domestic Abuse, Factoring Policy and Equality and Diversity. (See also Appendix 1)
- 1.8 This policy promotes outcomes around prevention, integration, engagement, communication and remedy.

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<sup>1</sup> Regulation of Social Housing in Scotland Our Framework - February 2019' pub by Scottish Housing Regulator, pg. 8 [regulatory-framework-regulation-of-social-housing-in-scotland-february-2019-website](https://www.scotland.police.uk/contact-us/reporting-hate-crime/third-party-reporting-centres/)

<sup>2</sup> <https://www.scotland.police.uk/contact-us/reporting-hate-crime/third-party-reporting-centres/>

## 2. Purpose

- 2.1 To provide clarity for the customers, staff and board on what is meant by anti-social behaviour, neighbour disputes, hate crime and related terms.
- 2.2 To ensure that all incidents are identified and dealt with promptly, fairly and respectfully.
- 2.3 To deal robustly with anti-social behaviour, neighbour disputes and hate crime and work in partnership with other agencies to prevent and address incidents.
- 2.4 This policy has three aims:
  - **Aim 1:** Victims are treated with fairness, compassion and in a trauma-informed manner which prioritises their safety and recovery.
  - **Aim 2:** The nature, characteristics, and extent of anti-social behaviour, neighbour disputes and hate crime are more fully understood and effectively inform appropriate interventions and policy development.
  - **Aim 3:** Communities are empowered, inclusive and safe and the underlying causes of anti-social behaviour, neighbour disputes and hate crime are challenged.
- 2.5 Strategically, Ardenglen works to deliver these aims by:
  - **Prevention** - We will work together to ensure people understand behaviours that are unacceptable, to take preventative action and to stop incidents before they happen.
  - **Reporting** - We will work together to enable people to recognise hate crime and encourage people to report hate crime when it happens to the Police, through Ardenglen as a third party reporting centre for Hate Crime and other agencies. We will work together to enable people to prevent and address anti-social behaviour and neighbour disputes.
  - **Responding** - We will work to ensure a prompt and respectful service response to complaints. We will be able to direct victims and witnesses to services which can support them.
  - **Strong and Inclusive Communities** – We will work to ensure our customers live in communities that are inclusive, empowered, resilient and safe where people are enabled and empowered to value, enjoy, protect and enhance their environment.
- 2.6 Ardenglen will provide tenants, residents and service users with appropriate ways to provide feedback, raise concerns and ensure it considers such information and provides a quick and effective response.

### **3. Our Commitment**

- 3.1 This policy assists customers to know what is expected of them, what their rights are and what to expect from Ardenglen in cases of anti-social behavior, neighbour disputes and hate crime.
- 3.2 This policy enables staff to fulfill their responsibilities in cases of anti-social behavior, neighbour disputes and hate crime.
- 3.3 This policy enables staff and the Board to effectively monitor day-to-day service delivery in cases of anti-social behaviour, neighbour disputes and hate crime.
- 3.4 This policy is about preventing as well as addressing hate crime, neighbour disputes and anti-social behaviour and therefore:
- Ardenglen will publish its policy on our website, promote the summary leaflet and advertise ourselves as being a third-party reporting centre. We will be proactive in working to prevent hate crime, neighbour disputes and anti-social behaviour of our customers in conjunction with other organisations.
  - Ardenglen will ensure the contractors we employ adopt acceptable policies covering equal opportunities and human rights.
  - Ardenglen recognises that customers who live near victims can play an important role in helping to provide support. They can establish a climate where hate crime, neighbour disputes and anti-social behaviour is unacceptable. This can help deter perpetrators.
- 3.5 Ardenglen is committed to serving the community by acting as a Third Party reporting Centre which:
- Operates accessibly and receives reports of Hate Crime. This is a free service.
  - Enables people to speak privately to a member of staff.
  - Enables people to pass on information without necessarily having to talk to the police directly.
  - Will pass information relating to the incident/crime onto the police for them to investigate or record.
  - Will report Hate Crime to the Police Scotland on your behalf, whether you are a victim, witness or carer.

See also Appendices 3 and 4

## 4. Regulatory Framework

- 4.1 **Regulatory Standard 1** requires the Ardenglen Board to lead and direct the RSL to achieve good outcomes for its tenants and other service users.

**Regulatory Standard 2** requires Ardenglen to be open about and accountable for what it does, understands and takes account of the needs and priorities of its customers and stakeholders and its primary focus is the sustainable achievement of these priorities.

**Regulatory Standard 4** requires the Board to base its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.

**Regulatory Standard 5** requires the Board to conduct its affairs with honesty and integrity.

**Regulatory Standard 6** requires the Board and senior officers to have the skills and knowledge they need to be effective.

- 4.2 The Scottish Social Housing Charter helps to improve the quality and value of services provided by Ardenglen, to achieve outcomes that matter to our customers and supports the Scottish Government's National Outcomes on communities, environment and human rights. The Charter does not replace any of the legal duties that apply to social landlords, but in several cases the outcomes and standards describe the results social landlords should achieve in meeting their legal duties.<sup>3</sup>

- 4.3 **Charter Outcome 1** requires that "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". It also says that landlords have a responsibility "...for finding ways of understanding the needs of different customers and delivering services that recognise and meet these needs". This duty includes supporting victims and "to enforce tenancy conditions on estate management and neighbour nuisance, resolving neighbour disputes, and arranging or providing tenancy support where this is needed. It also covers the role of landlords in working with others to tackle anti-social behaviour." (See Appendix 5)

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<sup>3</sup> Paras 2.1 and 1.4 at <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2022/11/scottish-social-housing-charter-november-2022/documents/scottish-social-housing-charter/scottish-social-housing-charter/govscot%3Adocument/scottish-social-housing-charter.pdf>

- 4.4 **Charter Outcome 2** is a duty on Ardenglen to manage its” businesses so that: tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.”
- 4.5 **Charter Outcome 6** is a duty on Ardenglen to work in partnership with other agencies to “help to ensure as far as reasonably possible that tenants and other customers live in well-maintained neighbourhoods where they feel safe.”
- 4.6 **Charter Outcome 11** focuses on tenancy sustainment “Social landlords ensure that: Tenants get the information they need on how to obtain support to remain in their home; and ensure that suitable support is available, including services provided directly by the landlord and by other organisations.”
- 4.7 **Charter Outcome 13** focuses on value for money “Social landlords manage All aspects of their business so that: Tenants owners and other customers receive services that provide continually improving value for the rent and other charges they pay”.
- 4.8 The Human Rights Act 1998 gives domestic effect to the European Convention on Human Rights (ECHR) and rights engaged include:
- Article 2, in some cases, which is the right to life.
  - Article 3 prohibits torture, inhuman or degrading treatment or punishment.
  - Article 8 is the right to respect private and family life, home and correspondence.
  - Article 10 which is freedom of expression but is not absolute and may be restricted to protect the rights of others such as proportionate measures criminalising hate.
  - Article 17 of the ECHR which prevents people from using human rights to undermine the rights of others.
  - Protocol 1 Article 1 the right to peaceful enjoyment of possessions.
  - Article 13 the right to an effective remedy.
  - Article 14 partnered with other rights so that people have the right to equally enjoy the listed human rights.<sup>4</sup>
- 4.9 The SHR requires Ardenglen to confirm through its Annual Assurance Statement that it is meeting regulatory requirements and/or what it is doing to improve compliance including giving due regard to equality and human rights in decision-making. For example, Ardenglen must have assurance and evidence that it is meeting all its legal obligations associated with

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<sup>4</sup> Pg 16, Scottish Government’s hate Crime Strategy pub March 2023.



housing and homelessness services, equality and human rights, and tenant and resident safety.

4.10 To comply with these duties, Ardenglen must collect data relating to each of the protected characteristics for existing tenants, new tenants, people on waiting lists, governing body members and staff. Landlords who provide Gypsy/Traveller sites must collect data on protected characteristics for these service users.

4.11 Action taken by Ardenglen in respect of hate crime and anti-social behaviour is based in law and regulations including:

- Criminal Law (Consolidation) (Scotland) Act 1995<sup>5</sup>
- Protection from Harassment Act 1997
- Human Rights Act 1998
- Housing (Scotland) Act 2001
- Criminal Justice (Scotland) Act 2003
- Anti-social Behaviour etc. (Scotland) Act 2004
- Equality Act 2010
- Housing (Scotland) Act 2010<sup>6</sup>
- Data Protection Act 2018
- Domestic Abuse (Scotland) Act 2018<sup>7</sup>
- Hate Crime and Public Order (Scotland) Act 2021 – will be implemented in 2024.

## **5. Definitions**

### **5.1 Anti-Social Behaviour**

Customers of Ardenglen may be the victim of, a witness to or a perpetrator of anti-social behaviour.

1. Customers are already aware of their duties to respect others in their Secure Tenancy Agreement: “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.
2. Customers are already aware of the definition of anti-social behaviour in their Secure Tenancy Agreement “Anti-social” is defined as “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

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<sup>5</sup> Racially Aggravated Harassment/Conduct

<sup>6</sup> For the detail go to <https://www.gov.scot/news/domestic-abuse-act-in-force/>

<sup>7</sup> <https://www.gov.scot/news/domestic-abuse-act-in-force/>

distress. Conduct includes speech. A course of conduct must involve conduct on at least two occasions.”

3. Ardenglen will be unable to take formal action against a sharing owner or factored owner. In these cases, we will refer complainants to Police Scotland or Glasgow City Council for assistance and advice.

## 5.2 Hate Crime

Customers of Ardenglen may be the victim of, a witness to or a perpetrator of Hate Crime.

1. Ardenglen agrees that **“Hate crime and prejudice have a harmful impact on individuals, communities and wider society and they are never acceptable.”**<sup>8</sup> The key issues are the impact on the person ‘the victim’ and the perceived motivation of the person carrying out the behaviour.
2. A hate crime is any crime motivated (wholly or partly) by prejudice, intolerance, hostility or ill will towards a person's identity or perceived identity. Hate incidents, may be one off or part of a sustained pattern of behaviour and can include physical attacks, threats of violence, graffiti, damage to property, nuisance incidents such as noise or door knocking, written or verbal abuse, offensive or dangerous material through a letterbox, online abuse on sites like Facebook, X (Twitter) or other social media, behaviour such as wearing racist badges or insignia.
3. Hate crime is targeted at a person, or their property, because of hostility or prejudice towards that person's: disability, race or ethnicity, religion or belief, sexual orientation and transgender identity. Hate Incidents can feel like crimes to those who suffer them because they negatively impact on a person's human rights including their physical and mental well-being. The impact of hate incidents is various but include hurt, distress, confusion and are frightening and the impact may be long lasting.

## 5.3 Neighbour Disputes

Customers of Ardenglen may be the victim of, a witness to or a perpetrator of neighbour disputes.

1. These occur when two or more neighbours cannot agree as to the interpretation or implementation of the tenancy agreement or other rules set down by the association. An example of this is the use of

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<sup>8</sup> Christina McKelvie, Minister for Equalities and Older People in Hate Crime Strategy for Scotland March 2023 [https://www.hatecrimeglasgow.org/media/7768/Hate-Crime-Strategy-Scotland-2023/pdf/Hate\\_Crime\\_Strategy\\_Scotland\\_2023\\_002.pdf?m=638327018640000000](https://www.hatecrimeglasgow.org/media/7768/Hate-Crime-Strategy-Scotland-2023/pdf/Hate_Crime_Strategy_Scotland_2023_002.pdf?m=638327018640000000)

common areas.

2. All customers in a close are entitled to use the common areas. Some customers on the ground floor may feel it is their sole right to try and stop children playing there. Such disputes are normally minor and easily resolved through compromise.

#### 5.4 **Neighbour Complaint**

1. A neighbour complaint is normally made by one or more resident about another because a breach of tenancy has occurred.
2. Repeated and consistent complaints about tenancy breaches often lead to situations where antisocial behaviour or harassment is involved. Examples include:
  - The use of a property for immoral or illegal purposes such as drug dealing,
  - The use of a property for business purposes, without consent of the association
  - Excessive noise or any other nuisance that disturbs neighbours, including rowdy behaviour such as shouting, swearing or fighting.
  - Any deliberate damage or neglect to the association property such as graffiti or vandalism.

#### 5.5 **Neighbourhood Problems**

Any problem associated with the locality of a house. It is likely this will not be caused by the direct actions of one particular neighbour. An example would be a problem in a street with joy riding.

#### 5.6 **Crime Problems**

Any neighbour dispute or neighbourhood problems which constitute criminal behaviour.

#### 5.7 **Estate Complaints**

Estate Management issues such as failure to maintain common areas and rubbish dumping will be dealt with under our Estate Management Policy.

See also Appendix 3.

### 6. **Complaints and Investigation Process**

- 6.1 Complaints may be made by the victim, a witness, a friend, family member or other 3rd party. Ardenglen will investigate complaints received in person or in a recordable format such as by letter, email or telephone. We also have a contact form available on our website at [www.ardenglen.org.uk](http://www.ardenglen.org.uk)

- 6.2 Ardenglen accepts that in some cases, the complainer may simply seek to record the incident/crime without taking further action but wants it noted by Ardenglen.
- 6.3 Ardenglen will operate a triaging system for complaints with those urgent and serious prioritised. Ardenglen will aim to commence the investigation of all other complaints within two working days of the report being made. Concurrently, Ardenglen will work with agencies such as Police Scotland to address and prevent any repeat or escalation.
- 6.4 Reasonable adjustments will be made to ensure the best information is secured from victims, witnesses and those who are complained about. For example, if the victim prefers to speak in their first language, we will arrange a qualified interpreter to assist in the interview.
- 6.5 Ardenglen will ensure the victim is kept updated on the progress of the investigation.
- 6.6 Ardenglen will work with other agencies, including the police and community support agencies to ensure that evidence is gathered which satisfies legal requirements. We will also ensure that systematic records of all complaints and decisions taken in relation to complaints are retained.
- 6.7 Ardenglen will refer to our factoring policy & individual “deed of conditions” if complaints are in relation to either a sharing owner or factored owner.
- 6.8 For more information on agencies which provide assistance see Appendix 5. See Appendix 6 for information on complaint categories and timescales.

## **7. Remedies**

### **7.1 Property Repairs**

Ardenglen will treat repairs, including the removal of graffiti, arising as a result of Hate Crime and Anti-Social behaviour as an emergency, and where possible will provide such additional security measures.

- 7.2 Where perpetrators have been identified and are a tenant or factoring customer, we will charge the cost of any repairs to them.

### **7.3 Rehousing Of Victims**

1. Ardenglen will seek to offer emergency rehousing, where possible, if there is serious damage to the property or serious injury (or threat of injury) to customers or members of their household.
2. If Ardenglen has no suitable accommodation available, we will liaise with other housing providers to secure accommodation. We will also

offer advice on how to present as homeless.

3. Ardenglen recognises that victims of Hate Crime and Anti-Social Behaviour may wish to move from the area where problems are being experienced. We will deal with each case sensitively and on its merits based on all the evidence that it is possible to assemble.

#### 7.4 Non- Legal Measures

Where a complaint has been investigated and substantiated, the course of action taken may include the following:

1. Tenancy warning - this could either be a verbal, first, second or final warning.
2. An acceptable behaviour contract - this is where the perpetrator willingly agrees to modify their behaviour by signing a witnessed agreement.
3. An unacceptable behaviour contract -this is where the perpetrator refuses to willingly sign an agreement and Ardenglen imposes conditions of acceptable behaviour.
4. Where appropriate, we will endorse the use of mediation services to enable the conflict to be resolved peaceably by those involved. Where both parties refuse mediation, they will be told that the association can no longer assist them with their dispute. Where one person refuses and taking account of the individual circumstances, Ardenglen will find in favour of the person willing to enter mediation. See Appendix 7.
5. In cases where there is a possible threat of violence (from either of the parties), mediation should not be used.
6. In cases where there is a reluctance of neighbours to give evidence or as additional evidence to substantiate a complaint, Ardenglen may consider the use of professional witnesses or external services

#### 8. **Legal Action and Short Scottish Secure Tenancy Agreement**

1. Legal action will only be considered in the most serious or persistent of anti-social cases and only where all informal remedies have failed. There are many legal remedies available up to and including eviction. When a case reaches the legal action stage, the most suitable course of action will be discussed and agreed with Ardenglen's solicitor who will offer advice on the reasonableness of the action.
2. Legal action will only commence when suitable evidence has been gathered and the Ardenglen solicitor agrees a substantial case has been built. Therefore, it is important for staff to undertake good record keeping throughout and the co-operation of witnesses sustained.
3. The short Scottish Secure Tenancy (SSST) is based on the Scottish Secure Tenancy introduced by the Housing (Scotland) Act 2001. A SSST is a short term or probationary tenancy agreement that can be given to tenants.

4. Ardenglen has the right to change a person who has an Antisocial Behaviour Order (ASBO) against them to a SSST.
5. Ardenglen has the right to provide a SSST to those who have previously been evicted for antisocial behaviour.
6. Ardenglen will convert the SSST to a full Scottish secure tenancy at the end of 12 months, provided the tenant has not behaved in a manner deemed unacceptable.
7. If antisocial behaviour recurs after conversion to a full Scottish secure tenancy, the organisation can seek repossession through the courts or a further ASBO can be sought, and if granted the tenancy can once again be demoted to a SSST.

See Appendix 8 for more information .

## **9. Managing Your Data**

1. Ardenglen respects your right to privacy, but this right is not absolute. The Human Rights Act 1998 permits this right to be limited in accordance with the law and only when necessary, such as in matters of public safety, the prevention of disorder or crime or for the protection of the rights and freedoms of others. However, the interference with the right has to be reasonable and proportionate in all the circumstances.
2. Ardenglen may receive personal information from a third party including: name, address, and information relating to a potential noise complaint about Hate Crime or anti-social behaviour. The personal details may relate to you as a victim, alleged perpetrator or witnesses.
3. Ardenglen operates in compliance with the legal obligations under the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) on processing and managing your data.
4. In some cases, the law requires Ardenglen to share information with external agencies where it is lawful to do so to prevent and protect our community from anti-social behaviour. Further information is provided in the tenancy agreement and/or fair processing notice for tenants.
5. The type of information that may be shared includes, but is not limited to:
  - The nature and location of incidents of anti-social behaviour
  - Investigations and/or outcomes of complaints
  - Personal information as to the complainants and witnesses
  - Details of relevant visits to the property by agencies including the police, local authorities (council), emergency services etc.
  - Convictions, cautions, reprimands, bail conditions, progress of criminal cases.

## **10 Complaints Procedure**

- 10.1
1. Any customer may submit a complaint, using the Ardenglen complaints procedure if they believe we have failed to correctly apply this Policy.
  2. The Scottish Housing Regulator publishes a range of information to allow tenants, and other service users to understand each landlord's performance and compare landlords' performance. This includes to support meaningful discussions between landlords and their tenants about performance, rent levels, service levels, and future plans.<sup>9</sup>

## **11. Equality and Diversity**

- 11.1 This policy should be read in conjunction with the Equalities and Diversity Policy.
- 11.2 This Policy supports the Charter outcomes that people:
- live in communities that are inclusive, empowered, resilient and safe.
  - value, enjoy, protect and enhance their environment.
  - respect, protect and fulfil human rights and live free from discrimination

## **12. Managing Risk**

- 12.1 Ardenglen's Board will consider the risk management factors involved in delivering this policy including:
- Non-compliance with the Scottish Government's Social Housing Charter outcomes.
  - Non-compliance with the Scottish Housing Regulator's Regulatory Framework, the Regulatory Standards of Governance and Financial Management and with legal duties.
  - Failure to consult customers effectively.
  - Failure to gather sufficient information to enable informed decision making.
  - Data protection breach

To mitigate risk, quarterly reports will be provided to the Board on the incidence of anti-social behaviour and hate crime. This process will provide assurance that this policy is being delivered appropriately and informs Ardenglen's work.

## **13. Application and Training**

- 13.1
1. All agents of Ardenglen, employees and Board Members are required to abide by this policy. Ardenglen will provide training for staff and management committee members on the delivery of this

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<sup>9</sup> 4.3 Regulatory Framework pub by SHR [Regulatory Framework | Scottish Housing Regulator](#)

- policy.
2. Staff in relevant services will be trained to identify and respond appropriately to hate crime disclosures.
  3. Customers of Ardenglen are also covered by this policy.

## **14. Review**

- 14.1
  1. The policy is drafted at a time of legislative and policy uncertainty and so includes a requirement for review in 2024.
  2. The Hate Crime and Public Order (Scotland) Act, passed in March 2021, is planned to be brought into full force in February 2024. This will include a provision which extends the offence of 'stirring up hatred' from race to a wider range of characteristics including transgender identity, and from public to private settings. The 2023 'Programme for Government' included a commitment to publish the Scottish Government's "Hate Crime Strategy Delivery Plan" strategy early in 2024 along with details on enforcing the legislation.
  3. The Scottish Housing Regulator is currently consulting on proposals to review the Regulatory Framework and statutory guidance. This policy may be amended as a result of this process, although it is noted in Section 3 that "We also proposed to continue our focus on equality and human rights in all landlords and governance and financial management..."<sup>10</sup>
  4. Once reviewed in 2024, reviews will be undertaken every three years unless amendment is prompted by a change in legislation, or monitoring and reporting reveals that a change in Policy is required sooner.

## **15. Distribution**

- 15.1 This policy will be provided to every employee and Board member and is freely available on the Ardenglen [website](#).

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<sup>10</sup> <https://www.housingregulator.gov.scot/for-landlords/our-regulation-of-social-housing-in-scotland-a-consultation/our-regulation-of-social-housing-in-scotland-a-consultation-october-2023/>



## Appendix 1 – Delivery of Legislation

On 28th January 2020, the Hate Crime and Public Order (Scotland) Act 2021 received Royal Assent<sup>11</sup> but it has not been activated. The delay has been attributed to Police Scotland's need for "training, guidance and communications planning". They have now set up a dedicated unit to meet the roll-out which is expected in early 2024. This timeframe is confirmed as in the Programme for Government 2023-2024, announced in September, the Scottish Government stated it will "Publish a Hate Crime Strategy Delivery Plan", setting out our immediate and longer-term activity in support of implementation of the Hate Crime and Public Order (Scotland) Act 2021 in early 2024.

The Act broadens protection for certain groups under the new offence of "stirring up hatred" and stipulates that crimes can be categorised as "aggravated" if they are rooted in bias against age, disability, race, religion, sexual orientation, transgender identity or variations in sex characteristics.<sup>12</sup> Critics argue the hate crime law erodes free speech and is therefore an attack on human rights.

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<sup>11</sup> [Hate Crime and Public Order \(Scotland\) Act 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2021/1/contents/enacted)

<sup>12</sup> Scottish Legal News 21 Sept 2023 [Police Scotland readies itself for activation of hate crime law | Scottish Legal News](#)

## Appendix 2 Reporting Incidents/Crime

### Hate Incidents

There will be occasions when incidents occur where no crime has been committed but the incident itself is perceived to have been motivated due to hate or prejudice. In such cases these incidents will be recorded as hate incidents.

### Perception

In terms of the perception element consideration must be given to:

Who perceived the circumstances to amount to being a hate incident/crime.

Why it was perceived to be a hate incident/crime.

### Hate Crimes

A Hate crime is defined as 'A crime motivated by malice or ill-will towards a social group'.

### Key aspects of hate crime are as follows:-

There must be active ill will or elements of vindictive feelings towards an individual or their perceived association with a social group.

The crime is based on the motivation of malice or ill will towards a social group. This means the question of whether the victim of a hate crime actually belongs to a social group or not, is irrelevant. For example, if someone is the victim of a homophobic attack, whether they are gay or not is irrelevant.

An individual may be targeted because of their vulnerability. This should not be automatically interpreted as hate crime. For example, an elderly female who is assaulted and robbed may have been targeted because she is vulnerable, as opposed to being targeted due to ill will or malice towards her belonging to a specific social group.

If a crime is reported and is perceived to be motivated by hate by the victim or any other person, including a police officer, it should be recorded and investigated as such. Source: Scottish Crime Recording Standard: Crime Recording and Counting Rules <https://www.gov.scot/publications/scottish-crime-recording-standard-crime-recording-counting-rules-2/pages/11/>

Police Scotland provides a number of ways for people to report Hate Crime. If something happens and you are not sure if it is a crime, please remember, if it feels wrong, report it and let us help.

## How to report a hate crime

If you see it happen, there are different ways you can report it.

- By phoning 999 (emergency) 101 (non-emergency)
- In person at any police station,
- By completing a [Hate Crime Reporting Form](#)
- At a [Third Party Reporting Centre](#) - Ardenglen is a Third Party Reporting Centre
- Text 999 (this is for registered users only)
- Contact [Scotland-BSL](#)

- [Keep Safe Scotland App](#)

<https://www.scotland.police.uk/contact-us/reporting-hate-crime/>

Non-crime hate incidents (NCHIs) may be recorded by the police to collect information on 'hate incidents' that could escalate into more serious harm or indicate heightened community tensions, but which do not constitute a criminal offence.

### **Reporting Anti-Social Behaviour**

Ardenglen receives complaints from customers 0141 634 8016 [info@ardenglen.org.uk](mailto:info@ardenglen.org.uk)  
Information at <https://ardenglen.co.uk/our-housing-services-team/>

Glasgow City Council website on Anti-Social Behaviour

<https://www.glasgow.gov.uk/reportasb>

The Council's Community Relations Unit (CRU) is to resolve antisocial behaviour through support measures and early intervention.

<https://www.glasgow.gov.uk/article/23583/Community-Relations-Unit>

Glasgow City Council's noise teams can investigate noise problems in domestic and commercial properties such as loud music, dogs barking, DIY and musical instruments. If the noise coming from your neighbour's property is excessive, the Council can issue a legal Warning Notice requiring the noise level to be reduced. Officers work seven nights a week from 5pm until 3am and can be contact for advice during these hours by calling **0141 287 6688**. You can also register a complaint by using an online form. <https://www.glasgow.gov.uk/reportnoise><sup>13</sup>

If the noise problem relates to activity of a disorderly or aggressive nature then you should contact Police Scotland on 999 or 101.

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<sup>13</sup> Accessed on 7<sup>th</sup> November 2023 <https://www.glasgow.gov.uk/reportnoise>

### Appendix 3 Data Gathering on Hate Crime

Current statistics from Police Scotland indicate a 10.4 per cent drop in hate crimes for 2023-24, with 1,653 reported cases compared to 1,845 in the previous year.<sup>14</sup> It has been suggested that the Scottish Government is concerned about the levels of under-reporting of Hate Crime, the impact on individuals and communities and therefore what measures are needed to ensure an institutional approach which is fair and effective.

Police Scotland recorded 6,927 hate crimes in 2021-22 and around three-fifths (62%) of hate crimes included a race aggravator and over a quarter (27%) included a sexual orientation aggravator.<sup>15</sup>

The Crown Office and Procurator Fiscal Service reported in June 2023 that the total number of charges reported containing at least one element of hate crime was 5,738 in 2022-23, 2% fewer than in 2021-22.

- Racial crime remains the most commonly reported hate crime. In total 3,145 charges relating to race crime were reported in 2022-23, a decrease of 2% compared to 2021-22. The 2022-23 total is the lowest figure since 2019-20 and is 31% lower than the peak in such charges in 2011-12 when 4,547 were reported.
- Sexual orientation aggravated crime is the second most commonly reported type of hate crime. The number of charges reported increased by 2% in 2022-23 to 1,884. The number of charges reported has increased each year since 2014-15.
- The number of disability aggravated charges increased by 3% to 722 in 2022-23. This is the highest number of charges reported since the legislation creating this aggravation came into force in 2010 and follows an increase of over 50% in the number of charges reported in 2021-22 compared to 2020-21.
- There were 576 charges with a religious aggravation reported in 2022-23, 8% more than in 2021-22. Over the last five years, the number of religious charges reported has fluctuated between around 530 and 670 per year.
- There were 55 charges reported in 2022-23 with an aggravation of transgender identity. This is lower than the 86 charges reported in 2021-22 but is the second highest number of charges reported since the legislation introducing this aggravation came into force in 2010.<sup>16</sup>

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<sup>14</sup> Ibid.

<sup>15</sup> [Police recorded hate crime - characteristics: updated study - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/police-recorded-hate-crime-characteristics-updated-study/pages/10/)

<sup>16</sup> [Hate Crime in Scotland 2022-23 | COPFS](#)

## Appendix 4 - Third Party Reporting

Any report of a crime, incident or intelligence made to the police from a partner agency, organisation or other group or person. The report must be made on behalf of a third party or parties who have not reported the crime incident or information by any other means.

Third party reports can be provided by telephone, letter, e-mail or other form of electronic communication, or in person.

In circumstances where a third party reports a crime to police and the victim refuses to engage with police to provide sufficient details to confirm the crime, no crime should be recorded, notwithstanding the need to record the details in an incident record.

However, if sufficient details are reported by an apparently reliable witness who is of the opinion that a crime has been committed, a crime will be recorded e.g. a reliable witness reports one person being assaulted by two others on a public street.

Anonymous reports of crime must be supported by corroborative evidence prior to the creation of a crime report. Where a victim's details are withheld from the police the circumstances reported will be recorded as an incident only until such times as victim details are made known.

Source: Scottish Crime Recording Standard: Crime Recording and Counting Rules

<https://www.gov.scot/publications/scottish-crime-recording-standard-crime-recording-counting-rules-2/pages/10/>

Ardenglen serves as a Third Party Reporting Centre

<https://ardenglen.co.uk/ardenglen-are-a-3rd-party-reporting-centre-for-hate-crimes/>

People can make contact at 0141 634 8016 [info@ardenglen.org.uk](mailto:info@ardenglen.org.uk)

## Appendix 5 - Timescales & Categories

Category	Nature of Complaint	Timescale
Category A	<p><b>Nuisance complaints</b> (conduct on at least 2 occasions) such as noise, pet issue, use of common area etc.</p> <p>Depending on the nature we may action under our estate or tenancy management policy.</p>	<p>Investigation begins within <b>2 working days</b>.</p> <p>Resolve within <b>20 working days</b> (this allows monitoring period for any further issues).</p>
Category B	<p><b>Complaints of a more serious nature / escalated complaints from Cat A</b> (housing officer authority to escalate from A to B)</p> <p>Include – persistent noise issues, damage to association property, verbal abuse, other ongoing breaches of tenancy.</p>	<p>Investigation begins within <b>2 working days</b>.</p> <p>Resolve within <b>40 working days</b> (this allows monitoring period for any further issues).</p>
Category C	<p><b>Serious or complex cases involving anti-social behaviour or hate crime related incidents.</b></p> <p>Escalated complaints from Cat B to a Cat C must be authorized by the Senior Housing Officer.</p> <p>Include – hate crime offences, violence/aggression, arson or other serious damage,</p>	<p>Investigation begins within <b>1 working day</b>.</p>

	illegal or immoral use of property, threats to staff or contractors	Resolve within <b>110 working days</b> (this allows monitoring period for any further issues or to monitor any legal / criminal case).
ASB – No action	<p><b>The customer wishes us only to record the incident but take no action.</b></p> <p>One on one personal dispute which is not a tenancy related issue.</p> <p>Anonymous complaints will also be recorded this way if we cannot identify perpetrator.</p>	No timescale – incident recorded only.

## Appendix 6 - Resources

### Scottish Government's Hate Crime Strategy for Scotland March 2023

[https://www.hatecrimeglasgow.org/media/7768/Hate-Crime-Strategy-Scotland-2023/pdf/Hate\\_Crime\\_Strategy\\_Scotland\\_2023\\_002.pdf?m=638327018640000000](https://www.hatecrimeglasgow.org/media/7768/Hate-Crime-Strategy-Scotland-2023/pdf/Hate_Crime_Strategy_Scotland_2023_002.pdf?m=638327018640000000)

### Housing (Scotland) Act 2010 - Model Secure Tenancy revised 2022 section 3

"Respect for Others"

<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2002/09/model-revised-scottish-secure-tenancy-agreement/documents/0030450-pdf/0030450-pdf/govscot%3Adocument/0030450.pdf>

### Glasgow City Council

"While Glasgow had approximately 12% of the total population of Scotland in 2018, almost 30% of all racist hate crime, disability hate crime and religious hate crime in Scotland was reported to the Glasgow Fiscal Office; 24% of homophobic hate crime in Scotland was reported to the Glasgow Fiscal Office; and 19% of disability hate crime in Scotland was reported to the Glasgow Fiscal Office. This makes targeted harassment and crime a particular concern for Glasgow." Glasgow City Council Hate Crime Strategy 2018-2028 para 1.2 at

[https://www.hatecrimeglasgow.org/media/2180/Hate-Crime-Strategy-2018-2028/pdf/Hate\\_Crime\\_Strategy\\_2018-2028\\_002.pdf?m=638084335988430000](https://www.hatecrimeglasgow.org/media/2180/Hate-Crime-Strategy-2018-2028/pdf/Hate_Crime_Strategy_2018-2028_002.pdf?m=638084335988430000)

### Case studies - Glasgow City Council

<https://www.glasgow.gov.uk/index.aspx?articleid=30450>

Glasgow City Council has a Hate Crime Awareness Working Group which is a multi-agency specialist group of the Safe Glasgow Group chaired by an elected member who is nominated from the Safe Group. It has ownership of Glasgow's multi-agency strategic commitments in relation to hate crime. Its overarching aim is to encourage and coordinate partnership approaches to hate crime. This strategy, and corresponding delivery plans, are developed and owned by the Hate Crime Working Group. GCC employs a dedicated Hate Crime Awareness Officer. It has created a new website offering advice and support to victims of Hate Crime as well as information for anyone keen to find out more about Third Party Reporting Centres [www.hatecrimeglasgow.org/](http://www.hatecrimeglasgow.org/) Ardenglen is not yet listed on this website as a Hate Crime Reporting Centre. Glasgow City Council, Eastgate, 727 London Road Glasgow G40 3QA - Tel: 0141 276 7400

### Case Studies – Scottish Government

Scottish Crime Recording Standard: Crime Recording and Counting Rules –

section I <https://www.gov.scot/publications/scottish-crime-recording-standard-crime-recording-counting-rules-2/pages/11/>

### Film from Police Scotland

Don't Feed Hate <https://www.scotland.police.uk/what-s-happening/campaigns/2023/hate-crime/>



**Scottish Government**

Tackling prejudice and building connected communities: Scottish Government response – useful actions on strategy. <https://www.gov.scot/publications/tackling-prejudice-building-connected-communities-scottish-government-response-report-independent/pages/1/>

**Film from Scottish Commission for People with Learning Disabilities**

We are More <https://www.sclld.org.uk/launch-of-we-are-more-a-film-about-hate-crime/>

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## **Appendix 7 - Situations which undermine good community relations**

**Neighbour Disputes** -These occur when two or more neighbours cannot agree as to the interpretation or implementation of the tenancy agreement or other rules set down by the association. An example of this is use of common areas. All residents in a close are entitled to use the common areas. Some residents on the ground floor may feel it is their sole right to try and stop children playing there. Such disputes are normally minor and easily resolved through compromise.

**Neighbour Complaint** -A neighbour complaint is normally made by one or more resident about another because a breach of tenancy has occurred. Repeated and consistent complaints about tenancy breaches often lead to situations where antisocial behaviour or harassment is involved. Examples include: Tenant's failure to maintain common parts, such as close and backcourt or bin areas and causing deliberate damage to these areas.

**Failure to maintain the garden adjacent to a ground floor property.** The use of a property for immoral or illegal purposes such as drug dealing, or the use of a property for business purposes, without consent of the association. Failure to keep domestic pets under control including dog fouling.

**Harassment of neighbours on the grounds of race, sexual orientation, gender, disability, colour, religion or for any other reason which causes offence.** Excessive noise or any other nuisance that disturbs neighbours including rowdy behaviour such as shouting, swearing or fighting. Any deliberate damage or neglect to the association property such as litter, debris, graffiti or vandalism Rubbish dumping.

**Neighbourhood Problems-** Any problem associated with the locality of a house. It is likely this will not be caused by the direct actions of one particular neighbour. An example would be a problem in a street with joy riding

**Crime Problems-** Any neighbour dispute or neighbourhood problems which constitute criminal behaviour

## Appendix 8 - Legal Options

There are several legal remedies and enforcement provisions available to Ardenglen.

### (1) **Interim Interdicts & Action for Specific Implement**

An interim interdict is an order of the court requiring the person to whom it is addressed to stop doing something that is legally wrong. This could be used when a problem involves damage to property or threats to staff. An action for specific implement is a court order requiring a person to carry out the terms of their tenancy agreement for example stair cleaning or maintaining common areas

### (2) **Antisocial Behaviour Orders** - An anti social behaviour order (or interim ASBO) is issued by the court for individuals over 12 years old who are involved in anti social behaviour within any given area. These can be applied for by either the local authority or the association. They can be sought against tenants, any member of a tenant's household or any other member of the public. An ASBO can be craved either by civil proceedings or on conviction of a criminal offence. A breach of an ASBO is a criminal offence with powers of arrest.

### (3) **Action for Repossession (Eviction)** - In certain cases it may be appropriate for the association to seek a repossession order under the terms of the tenancy agreement. This will be sought on the following grounds;

- **Ground 2** – the tenant, a person staying in the house or a person visiting the house has been convicted of using the house for immoral or illegal purposes or has been convicted of an offence punishable by imprisonment committed in, or the locality of the house.
- **Ground 7** – the tenant, anyone living with him or someone visiting the house has acted in an anti social manner or pursued a course of conduct amounting to harassment of anyone living or visiting the locality.
- **Ground 8** – the tenant or anyone living with him has been guilty of nuisance or annoyance in or around the vicinity of the house or has pursued a course of conduct amounting to harassment of a person in the local community and the landlord believes it is appropriate to require the tenant move to other accommodation.