

What to do if you have a complaint about antisocial behaviour or neighbour nuisance

We provide a free, independent and impartial service for dealing with complaints about public services in Scotland. You may feel that an organisation provided a poor service, delivered a service badly or failed to provide a service. If this has caused you hardship or injustice, we may be able to look into your complaint.

We can normally only deal with complaints if you have already gone through the complaints procedure of the organisation that provided the service.

This leaflet tells you what you can do if you have a complaint about antisocial behaviour or neighbour nuisance. It also explains what we can and cannot do.

Information about antisocial behaviour or neighbour nuisance

What is antisocial behaviour?

You may already be suffering antisocial behaviour or neighbour nuisance and know what it is. If you're not sure what it is, here are some examples:

- > Excessive noise
- > Intimidation
- > Vandalism
- > Rowdy behaviour and disorder
- > Littering
- > Dog fouling
- > Graffiti
- > Abandoned vehicles
- > Alcohol and drug-related antisocial behaviour

What should I do if I experience a problem?

Councils or housing associations have a duty to investigate complaints about antisocial behaviour. They can take action against people whose behaviour is unacceptable. If you are affected by this you should contact the relevant council or housing association. It can be useful to keep a note each time you contact the organisation telling them about the problem. They will consider your concerns and may be able to give you specialist advice and support to help you deal with the problem. They may ask you to keep a diary of incidents. They may also suggest that you involve other people such as the police, or community wardens if you have them in your area.

Most importantly, if antisocial behaviour is making you fear for your own safety or the safety of others, you should contact your local police station immediately.

Advice Leaflet

I reported the problem and am still unhappy. How do I complain?

You should normally complain to the organisation if they have still not dealt with the matter after you reported it. This doesn't just mean telling staff about the problem. It means making a formal complaint telling the organisation that they have not sorted it out. You should approach them direct and ask for details of their complaints procedure.

Please remember that organisations often have more than one stage in their complaints procedure. We usually expect you to have gone through all the stages before we will look at your complaint. This gives the organisation the chance to try to put things right. If you're still unhappy after going through their complaints procedure, or if the time they're taking to look into your complaint is unreasonable, you can complain to us.

You should normally make your complaint to us within 12 months of realising that you think the organisation have done something wrong.

What can you look into and what can't you look into?

The SPSO can look at how a council or housing association dealt with your complaint about antisocial behaviour or neighbour nuisance. We will consider whether they acted properly in the way they handled your request or dealt with the complaint and if not, whether this has caused you problems.

We might be able to consider complaints about a council or housing association in respect of action they did or did not take, for example if:

- they didn't send anyone to visit you to find out about the problems
- they asked you to fill in a diary of incidents but then did nothing with it

- they didn't follow their normal policies when dealing with your complaint
- they took too long to look into things
- they agreed with you about the problem but didn't do anything to stop it

However you should note that:

We can't recommend that a council or housing association evict disruptive neighbours.

How do you put things right?

If we find a fault, as well as putting things right for you we want to try and stop the same thing happening to someone else. That's why some of our decisions and reports also have recommendations. These may include recommending that the organisation apologise or change their procedures. We may ask them to return the situation to what it would have been if they'd acted correctly in the first place. We will look carefully at each complaint to see what happened and how you have been affected. Our complaints reviewer will check that the organisation carry out our recommendations.

We also make some of our investigations public. We do this to share what we have learnt from complaints and to help improve how public services are delivered in Scotland.

Advice Leaflet

How do I make a complaint to you?

- Write to us and tell us what happened. It's best to use our complaint form if possible. You can find this on our website at **www.spsso.org.uk** where you can fill it in online or print it off to complete. Or phone our Freephone Helpline number on **0800 377 7330** and we will send you one.
- Tell us what went wrong, and what you would like to happen to get things put right.
- Send us copies of the main paperwork about your complaint. Please make sure you include the final response you received from the organisation after you complained.

Can someone else make a complaint for me?

Yes, if you give them written permission. Phone us on **0800 377 7330** and ask for a consent form. You can get help from your local Citizens Advice Bureau, where an adviser can help you fill in a complaint form or complain for you. Your Member of the Scottish Parliament (MSP), councillor, Member of Parliament (MP), or a friend or relative may also be able to help.

More help and advice

Victim Support Scotland provide a free confidential and telephone listening service for victims of antisocial behaviour. Face-to-face meetings and local services are available.

Telephone helpline: **08456 039 213**

Website: **www.victimsupportscotland.org.uk**

Scottish Mediation Network offer community and neighbour mediation to try to resolve disputes. Visit the website or call their helpline for details of mediation services in your area. Mediation services are not normally free.

Telephone: **0131 556 1221**

Website: **www.scottishmediation.org.uk**

Scottish Government – Safer Scotland

The Scottish Government's antisocial behaviour website has information about antisocial behaviour legislation and your rights and responsibilities. It has a directory of organisations that help people experiencing this problem.

Website: **www.antisocialbehavioursotland.com**

Citizens Advice Scotland may be able to give you further advice and guidance about antisocial behaviour and making a complaint. You can discuss your concerns with your local Citizens Advice Bureau. To find your nearest Bureau please visit **www.cas.org.uk**, or look in the phone book.

Law Society of Scotland

You may wish to seek legal advice about whether there is another route for your concerns. The Law Society of Scotland may be able to help you find a solicitor.

Telephone: **0131 226 7411**

Website: **www.lawscot.org.uk**

Call us for advice

If you're not sure whether we can consider your complaint, please contact us. You can also call us if you're not sure whether you have gone through the complaints procedure of the organisation you are unhappy with. If appropriate, we'll guide you through that.

We're happy to talk to you. A complaints reviewer is always available and can discuss whether we can consider your complaint.

You can contact us by phone, in writing or by visiting our office. You don't need to make an appointment.

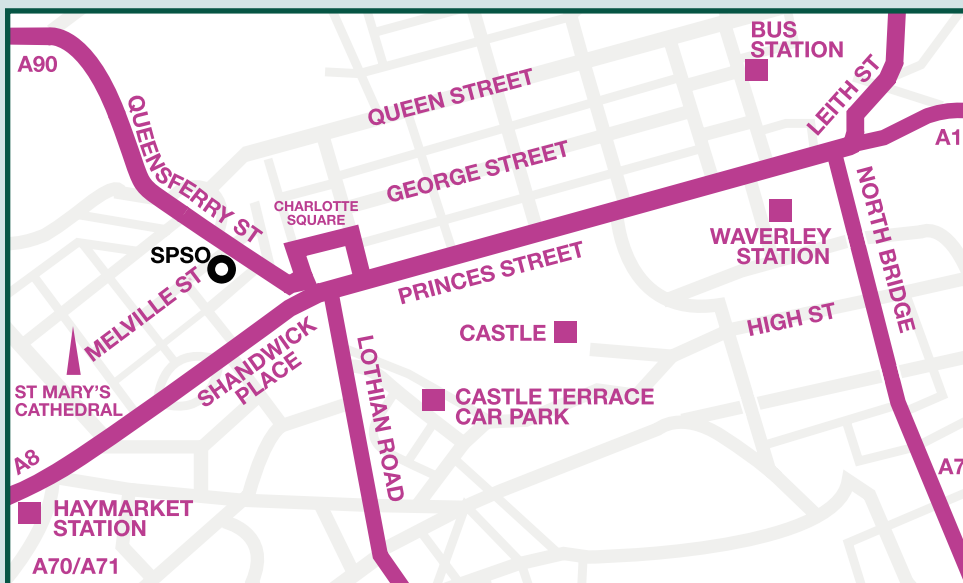
SPSO
4 Melville Street
Edinburgh
EH3 7NS

Our Freepost address is:

SPSO
Freepost EH641
Edinburgh
EH3 0BR

Freephone: **0800 377 7330**

Website: **www.spsso.org.uk**



Opening hours

We are open Monday, Wednesday, Thursday and Friday from 9am to 5pm, and Tuesday from 10am to 5pm.

We can give you this leaflet in other languages and formats (such as in large print or in Braille) if you ask.

The information in this leaflet is for general guidance, and was accurate when written. However, you should not rely on it as an authoritative statement of Scots law or of any process/guidance mentioned. SPSO will not accept liability for any consequences resulting from the use of this information. If you want to know more about an organisation mentioned or their processes please contact them direct.

SPSO advice