SPSO decision report

SPSO Scottish Public Services Ombudsman

Case:	**201507764, Hillcrest Housing Association**
Sector:	housing associations
Subject:	neighbour disputes and anti-social behaviour
Outcome:	upheld, recommendations

Summary

Mr C complained about the housing association after being a resident in supported accommodation they provided for around six months. During this period, Mr C said that he experienced ongoing anti-social behaviour from one of his neighbours which he felt the association did not take appropriate action against. Mr C was eventually served with a final warning by the association for threats that he made against his neighbour and for allegedly kicking in the neighbour's door. Following this, Mr C advised that his relationship with the association staff deteriorated and he was eventually issued with notice to leave his accommodation on the grounds that he was refusing support and this was an essential aspect of the tenancy.

On investigation, we found that there was some confusion among staff about whether or not the association's general anti-social behaviour procedure applied to supported accommodation. At the time of the complaint, support staff were of the opinion that this procedure applied but association staff considered that no set procedure was in place. Following our enquiries, the association confirmed that no procedure was in place for anti-social behaviour in supported accommodation, which we considered to be unreasonable. We also considered that their records did not sufficiently evidence thorough communication of their findings in each instance of anti-social behaviour.

On reviewing the final warning that had been served to Mr C, we found that there were a number of errors in communication which had reduced Mr C's understanding of the reasons for which the warning had been served. We also found that the association had incorrectly advised that the police had corroborated the incidents leading to the warning.

We also found a number of errors in the notice of termination served on Mr C, asking him to leave the accommodation. This included failing to clearly explain the reasons the notice was being served and incorrectly referencing sections of his occupancy agreement which were not grounds for eviction. As part of this investigation we also identified that Mr C's occupancy agreement made reference to associated schedules which the association were unable to supply.

Finally, we found that Mr C had submitted a complaint which, despite clearly constituting a formal complaint under the terms of the association's complaints handling procedure, was dealt with as a report of anti-social behaviour and not a complaint. This led to Mr C failing to receive a response to his complaints until submitting them again some months later.

As a result of this, we upheld all of Mr C's complaints.

Recommendations

We recommended that the association:

- review the anti-social behaviour procedures for the supported accommodation and either make clear to

staff that the general anti-social behaviour procedure applies or draft a suitable alternative;

- consider implementing a standard letter template for formal warnings to guide staff and help ensure that clear, well-evidenced reasons are communicated to occupants when warnings are served;
- review the supported accommodation occupancy agreement to ensure that any schedules referenced are included or such references removed;
- consider implementing a standard letter template for notices of termination to guide staff and ensure that all the necessary information mentioned above is clearly communicated to occupants when notices are served;
- provide training to relevant staff on the relevant section of the complaints handling procedure;
- apologise to Mr C for the failings identified;
- carry out a review of the procedures in place at the supported accommodation to ensure that the respective roles of association staff and support workers are clear to both staff and occupants; and
- reflect on the outcomes of this investigation to establish the root cause of the failings identified and take action to address these.