



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 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 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. You should follow their advice as this helps provide a picture of what is happening.

The organisation may suggest mediation. For this to have a chance of success, all parties involved will need to agree to it.

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.



SPSO freephone **0800 377 7330**

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. If you have internet access you may be able to find this on their website.

We usually expect you to have completed the organisation's complaints procedure 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 we can look into

We can look at how a council or housing association dealt with your complaint about antisocial behaviour or neighbour nuisance. We look at 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:

- took an unreasonably long time to answer your complaint
- didn't do something that they said they would do
- they didn't follow their own procedures when considering your complaint
- were biased in the way they considered a complaint
- didn't take into account relevant rules and regulations

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

However you should note that we can't recommend that a council or housing association evict disruptive neighbours. Nor can we provide an 'instant fix' for the problem for you. Our investigations may take time to complete.

We cannot look at complaints that have been considered in court, or that are the subject of court proceedings.

We understand that this can be complicated so please call us if you want to ask whether your complaint is one that we're likely to be able to look at. A complaints reviewer is always available to talk to you when the office is open. Our opening hours and contact details are at the end of this leaflet.

How do we put things right?

If we find that something's gone wrong, 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.

If it's possible, 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 to see what happened and how you have been affected. We will check to make sure that the organisation carries out our recommendations.

We 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.

You can search our public reports online at: www.spsa.org.uk/our-findings

How to complain to SPSO

- 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. It also helps if you send us your original letter of complaint to them.

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

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

Telephone helpline: **0345 603 9213** Website: www.victimsupportsco.org.uk

Citizens Advice Scotland

Citizens Advice Scotland may be able to give you further advice and guidance. 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.

Scottish Mediation

Scottish Mediation offer community and neighbour mediation to try to resolve disputes.

Visit the website or call their helpline to find out more about how mediation works. Mediation services are not normally free, but your council or housing association may be able to arrange mediation if they think it's appropriate.

Telephone: **0131 556 8118** Website: www.scottishmediation.org.uk

Law Society of Scotland

You may also wish to seek advice about whether there is a legal route for your concerns.

The Law Society of Scotland may be able to help you find a solicitor.

Telephone: **0131 226 74 11** Website: www.lawscot.org.uk

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

Contacting us

If you're not sure whether we can look at 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. One of our complaints reviewers is always available to discuss your complaint with you.

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

Our address is:

SPSO

Bridgeside House

99 McDonald Road

Edinburgh

EH7 4NS

Our Freepost address

is:

FREEPOST SPSO

Opening hours:

**Monday, Wednesday, Thursday,
Friday 9am – 5pm, Tuesday 10am – 5pm**

Freephone:

0800 377 7330

Website:

www.spsso.org.uk

