

Procedures for Investigating Complaints of Antisocial Behaviour by Family and Household Support

VERSION

1.5

IMPLEMENTATION DATE

20/04/2021

REVIEW DATE

1/10/2023

DEPARTMENT RESPONSIBLE: PLACE

Department:	Place
Division:	Housing and Homelessness
Section:	Family and Household Support Service
Owner:	
DPIA :	Yes ☒ No ☐
	Link to DPIA:
IAA:	Yes ☐ No ☐ N/A ☐
	Link/Location:
If appropriate, has Health and safety had oversight of	Yes ☐ No ☒ N/A ☐
	Name of contact: Date:

VERSION HISTORY				
VERSION	APPROVED BY	REVISION DATE	DESCRIPTION OF CHANGE	AUTHOR
1.2		15/01/21	Final editing	
1.2	Policy and Sustainability Committee	20/04/21	Council Approval	
1.3		27/05/21	Minor editing	
1.4		23/05/23	3.6 and section 5 amended	
1.5		18/09/23	Review of procedure	

PURPOSE

1. This Procedure will:
 - Clarify the role and responsibility of Family and Household Support staff when responding to and investigating, complaints of household, domestic and some community based antisocial behaviour
 - Explain the definition of antisocial behaviour for Family and Household Support staff
 - Explain the process for Family and Household staff when responding to, and investigating complaints of antisocial behaviour
 - Set out the standards and expectations for Family and Household Support staff in responding to, and investigating, complaints of antisocial behaviour
 - Support Family and Household Support staff by offering direction and guidance when responding to complaints of antisocial behaviour.
2. This Procedure and accompanying guidance are underpinned by the Scottish Government's National Framework for Preventing Antisocial Behaviour- Promoting Positive Outcomes: Working Together to Prevent Antisocial Behaviour in Scotland.
3. The Procedure sets out the approach that should be taken by Family and Household Support based on the principles of Prevention and Early Intervention, addressing the root causes of antisocial behaviour, recognising the wider environmental and cultural context in which some antisocial behaviour occurs.
4. Family and Household Support staff shall approach complaints of antisocial behaviour within the framework of Promoting Positive Outcomes: Working Together to Prevent Antisocial Behaviour in Scotland, along with Family and Household Support's Three Pillars of Practice: Mediation, Restorative Practice, and Systemic Approach. As such:
 - All complaints of antisocial behaviour shall be considered and screened for suitability for Mediation in the first instance.
 - In all cases Family and Household Support staff shall take a restorative approach to dealing with people complaining about antisocial behaviour and those complained against
 - FHS staff shall place antisocial behaviour, those involved and those affected by it, in the wider context of people's previous experiences and circumstances, taking a trauma-informed approach, and taking a systemic approach, considering all relevant influential factors.
5. In all cases of antisocial behaviour, Family and Household Support staff shall seek to effect change for individuals, households and communities through a combination of a high level of 'support and challenge'. This may include the use of enforcement action including Warnings, Antisocial Behaviour Orders and Evictions where it is considered such action will help to effect long term, sustained change. FHS will continue to offer support to individuals, households and communities in such circumstances.

6. FHS staff shall use the Civica Authority Public Protection (APP) system as the primary recording system for complaints, enquiries about, and investigations into, antisocial behaviour.

SCOPE

1. This Procedure applies to all Family and Household Support staff who are involved in:
 - The management and oversight of antisocial behaviour complaints, enquires and investigations
 - Making further enquiries into, and investigating complaints about, antisocial behaviour.
2. This Procedure shall be followed by Family and Household Support staff investigating antisocial behaviour in the following tenancy types:
 - Council tenancy
 - Sheltered Housing tenancy, when this is a Council tenancy
 - Temporary Accommodation tenancy
 - Private Sector Lease (PSL)
 - Private rented accommodation
 - Owner occupied
 - Where antisocial behaviour occurs within the boundaries of the City of Edinburgh Council - this may include antisocial behaviour conducted by a person, or group of people, who visit the city of Edinburgh, but are not resident in the City of Edinburgh Council area.

As of 1st October 2023, ALL complaints of anti-social behaviour that are related to short-term lets will be investigated by Licensing and Regulatory Services.

3. This Procedure shall be followed, in conjunction with any accompanying guidance on specific tenant tenures, by Family and Household Support staff investigating household and community based antisocial behaviour, where the person, or group, being complained about is a:
 - Council tenant
 - Sheltered Housing Council tenant
 - Temporary Accommodation tenant
 - Private Sector Lease (PSL) tenant
 - Tenant of private rented accommodation
 - An owner occupier
 - Where it has been agreed with a Registered Social Landlord that the Local Authority, in its strategic capacity, is best placed to do so.

4. This procedure shall be followed when Family and Household Support staff are working in partnership with Police in relation to criminal activity which also has elements of antisocial behaviour. This may include situations of seeking Antisocial Behaviour Orders to ban an individual from entering certain geographical areas of the city of Edinburgh.

TERM	DEFINITION
Private, Short Term Let	A short term let is a property which is let out to visitors on a commercial basis for short periods of time. Often the whole property is let as holiday accommodation. In other cases, the host will continue to live in the property and let out a room or rooms to visitors. Airbnb is a platform for owners who want to advertise their property or room to others. There are other platforms in addition to Airbnb. Some owners advertise using social media or other forums such as Gumtree. Private Housing- Report a problem with a short term let 'Airbnb Inc.' is an online marketplace for arranging or offering lodging, primarily homestays, or tourism experiences. The company does not own any of the accommodation, nor does it host events; it acts as a broker, receiving commissions from each booking. Some people use the term 'Airbnb' as a catch-all for Short-Term Lets, also known as 'Party Flats'. A party flat is a property (often a 'short-term let') that is rented by a group of people often with the purpose of having a 'party' or entertainment (such as stag or hen groups) without the consideration of the impact on neighbours or the local community. This usually results in some form of antisocial behaviour resulting in complaints about noise. As of 1st October 2023, ALL short-term lets are legally required to be licensed. 'Party flats' are often unregistered, short-term lets and as such the public should complain directly to licensing and planning via the email address PRSEnforcement@edinburgh.gov.uk or via the online reporting tool: CEC Private Housing Report a problem with a short term let
APP (Civica APP)	Civica APP is the recording system Family and Household Support will use to record and store information, actions and decision taken.

Corroboration	The importance of corroboration is unique to Scots criminal law. The requirement for corroborating evidence means at least two different and independent sources of evidence are required in support of each crucial fact before an accused can be convicted of a crime. This means, for example, that an admission of guilt by the accused is insufficient evidence to convict in Scotland, because that evidence needs to be corroborated by another source. The requirement of two separate sources of evidence was introduced to antisocial behaviour investigations to prevent involvement in 'tit-for-tat' neighbour disputes where no one else is involved or affected and also as a 'safety net' to avoid progressing fraudulent or malicious complaints based upon one malicious complainer or source, or of a colluding household, particularly where there is previous malicious/false complaining. It is good practice to establish corroboration before deciding to take enforcement action. While it is not legally required in terms of an antisocial behaviour investigation (FHS are not undertaking criminal investigations) it is good practice to identify a second source of evidence corroborating a complainer coming from an impartial professional source such as an FHS Investigating Officer, Community Safety Night Team, Environmental/Enforcement Officers, Housing Officer, or Police Officer, or from a separate household or individual.
FHS	The City of Edinburgh Council's Family and Household Support Service
Investigating Officer (IO)	Any Family and Household Support staff member who has been allocated to undertake an antisocial behaviour investigation or enquiry
Person of Interest (POI)	Term used to describe a person who is being complained about regarding antisocial behaviour or resident/neighbour disputes. POI is used only for purposes of recording. It is more customer focused and person/relationship centred to distinguish customers as: 'the person who is making a complaint about antisocial behaviour' and, 'the person who is being complained about', and not 'the complainer' and 'perpetrator'. However, the term POI is used throughout this procedure.

Private Sector Leasing (PSL)	The City of Edinburgh Council leases properties in Edinburgh from private landlords for three to ten years and these properties are in turn sublet to people who are in housing need. A PSL property is a temporary tenancy and tenants are subject to a Scottish Short Secure Tenancy (SSST). The PSL scheme is a registered Scottish Letting Agent. Link Housing have been awarded the contract from the City of Edinburgh Council to manage the PSL scheme and are the point of contact for anyone wanting to report antisocial behaviour from a PSL tenant. Link Housing are also the contact for the owners of the tenancy. Link Housing
Antisocial Behaviour Order (ASBO)	Antisocial Behaviour Orders are preventative orders intended to protect people in the community affected by Antisocial Behaviour from further acts or conduct that would cause them fear, alarm or distress. An ASBO is a court order which prohibits, either indefinitely or for a specified period, a person from doing anything described in the order. Breach of an order is a criminal offence. The orders are not criminal penalties and are not intended to punish the offender. (Guidance on Antisocial Behaviour Orders, 2004).
Referral	The term used in FHS to refer to, • A 'first time' request for a service • Making a complaint • Making an enquiry • Seeking information relevant to the service • Assessment request or 'other' referral route i.e. Pre-Referral Screening, Stronger Edinburgh, GIRFE etc regardless if FHS is the right, correct, or appropriate service. FHS accept referrals from the public and professionals. Professionals should be encouraged to submit a referral using the FHS referral form.

Registered Social Landlord (RSL):	A 'Registered Social Landlord' (RSL) is a landlord registered with the Scottish Housing Regulator. The Scottish Housing Regulator was established on 1 April 2011 under the Housing (Scotland) Act 2010. Its objective is to safeguard and promote the interests of tenants and others who use local authority and RSL housing services. The Council is a Registered Social Landlord, as are Housing Associations. In the FHS procedures, when we refer to RSL's we are referring to RSL's other than the Council.
Sheltered Housing	Sheltered Housing provides support mainly to older people, some with disabilities and/or mental health needs, to sustain independent lives in a supported environment. All tenants are assessed for any additional support and provided according to needs. The Edinburgh Health and Social Care Partnership has 31 sheltered housing complexes across the city consisting of between 20 and 60 self-contained homes which may be flats, bungalows or apartments. Most properties have one bedroom, although two-bedroom properties are available on selected schemes. Many sheltered housing complexes have a visiting Support Officer, and all currently have an emergency alarm service.
Single Screening and Duty Process	The Single Screening and Duty System (also referred to as 'Duty') is the means by which all new referrals, enquires and service requests to Family and Household Support are processed so that a professional screening decision can be made about the need for a service from Family and Household Support.
Tenancy Type or Tenure	A tenure is the conditions under which land or buildings are held or occupied. In the context of a 'tenancy tenure', what is meant is 'the tenancy type', that is, what is the tenancy agreement between landlord and tenant. There are several tenancy types. Most Council tenants will have a 'Scottish Secure Tenancy'. Tenants of Housing Associations will have an 'Assured Tenancy' (as opposed to the Council's 'secure' tenancy). More details and clarification can be found at Shelter Scotland: Shelter Scotland: All about tenancy agreements

1. Definition of Antisocial Behaviour

1.1 The Antisocial Behaviour etc. (Scotland) Act 2004 sets out the interpretation of antisocial behaviour in relation to the Act. This provides that a person engages in antisocial behaviour if they:

- act in a manner that causes or is likely to cause alarm or distress; or
- pursue a course of conduct that causes or is likely to cause alarm or distress

1.2 The Act further clarifies that:

- “conduct” includes speech;
- “a course of conduct” must involve conduct on at least two occasions;
- “likely to cause” means that someone other than a victim of the antisocial behaviour can give evidence of its occurrence. This is intended to enable the use of professionals as witnesses where those targeted by antisocial behaviour feel unable to come forward, for example, for fear of reprisals or intimidation.

1.3 Antisocial behaviour covers a wide range of behaviour from noise nuisance to serious harassment. Factors such as tolerance levels, client expectation and varying standards of behaviour between communities and groups within them may influence a person’s understanding of antisocial behaviour. FHS staff shall manage these variations on a case-by-case basis.

1.4 It is the effect or likely effect of the behaviour on others that determines whether the behaviour is antisocial. An authority does not have to prove that the defendant intended to cause alarm or distress. However, it may not be appropriate to invoke powers in the Act where an individual cannot understand the consequences of their actions i.e. where a disability, medical or developmental condition is present.

1.5 For reasons mentioned in 1.3 and 1.4 the definition of antisocial behaviour is left deliberately flexible and local agencies in consultation with residents should decide on appropriate action to be taken according to the nature of the problem(s).

1.6 The following behaviours are excluded:

- Domestic Violence (and Domestic Abuse)
- Clashes of lifestyle caused by behaviour which is different but does not unreasonably interfere with another’s rights or impinge on their homes.

2. Tenancy Tenures/Types: Exceptions

2.1 Registered Social Landlords (RSL) and Housing Association tenants

2.1.1 Antisocial behaviour is investigated by the appropriate RSL and Housing Association. Where there is a referral or enquiry regarding an RSL tenancy to Family and Household Support:

2.1.2 In the first instance the person making the complaint shall be redirected to their own registered social landlord. If the customer is dissatisfied with the response from the RSL, they shall be advised to make use of the RSL complaints process.

2.1.3 In the exceptional circumstance where an RSL customer, or someone on the customers behalf, seeks an intervention from the local authority in its strategic capacity, and where the matter relates to antisocial behaviour, the RSL customer will be expected to have used the RSL's complaints process. When the Duty Team Leader has established the customer has exhausted all avenues with the RSL the FHS Duty Team Leader shall screen the request following the Single Duty screening procedure. The Duty Team Leader should make the FHS Manager aware of the request for local authority intervention and the FHS Manager shall make a final decision on the role of Family and Household Support.

2.2 Private Sector Leasing (PSL) tenants

2.2.1 PSL tenancies are managed on behalf of the City of Edinburgh Council by Link Housing. Link Housing have a responsibility for investigating antisocial behaviour of their tenants.

2.2.2 Where contact is made regarding a PSL, the person making the enquiry should be directed to Link Housing.

2.3 Sheltered Housing tenants:

2.3.1 Where the Sheltered Housing tenant is a Council tenant, complaints should be investigated by Family and Household Support and this Procedure shall be followed, as with any other Council tenant.

2.3.2 The referral may come directly from the tenant or any other professional. The Single Screening and Duty process shall be followed.

2.3.3 Where the tenant has a support plan with Sheltered Housing, the allocated Family and Household Support Worker should inform the Sheltered Housing Visiting Support Officer (SHVSO) of their involvement and update the SHVSO throughout their investigation.

2.3.4 Where the Sheltered Housing is an RSL, Owner Occupier, or Private Rented tenancy, the process for each tenancy type shall be applied.

2.4 Temporary Accommodation tenants:

2.4.1 Complaints against Temporary Accommodation tenants are initially investigated by the Temporary Accommodation Service (TAS).

2.4.2 TAS may refer to Family and Household Support at any point in their own process of investigating a complaint of antisocial behaviour against one of their tenants.

2.4.3 TAS shall make a referral to Family and Household Support using the FHS referral form. The referral will be received and screened by the FHS Duty Team Leader following the Single Screening and Duty Process and Procedure

2.4.4 The screening will include a consideration of mediation to resolve the matter. If an antisocial behaviour investigation is required, the allocated Family and Household Support worker shall follow these Procedures for investigating antisocial behaviour complaints.

2.4.5 At the start of the antisocial behaviour investigation the Family and Household Support worker and TAS Housing Officer shall, agree:

- Frequency of update on investigation to TAS Housing Officer
- Requirement of TAS Housing Officer involvement (such as introduction to the TAS tenant, availability for joint visits to TAS tenant, or person complaining about TAS tenant)

2.4.6 At the end of the investigation the Family and Household Support worker shall:

- Inform the TAS Housing Officer of the outcome of their investigation
- Inform the TAS Housing Officer of any enforcement action to be taken, what that will be and what involvement is required of the TAS Housing Officer
- If the outcome is non-enforcement action, inform the TAS Housing Officer of the reasons
- Inform the TAS Housing Officer of any further action or recommendations being taken
- Inform the TAS Housing Officer when the case is closed.

2.5 Private Rented Accommodation tenants

2.5.1 Complaints relating to tenants who are identified as living within Private Rented Accommodation are investigated in accordance with FHS normal process with the exception that contact must be made with the Landlord/Owner of the property.

2.5.2 It is the Landlord/Owner of the property who is responsible under the Antisocial Behaviour etc (Scotland) Act 2004 legislation for resolving complaints made against tenants/occupants' resident within their property.

2.5.3 If the Private Landlord has fully exhausted their investigation process and the behaviour is still continuing from their tenant, FHS can assist the Private Landlord with support in the application of an ASBO, although the Private Landlord can pursue independent legal action should the behaviour continue with consideration of a notice to quit through the court process.

2.5.4 If assessed as appropriate and proportionate, support can be offered to the private tenant to change their behaviour in order to prevent enforcement action being taken.

2.6 Private Short Term Lets - owners and tenants

2.6.1 All short term let properties are legally required to be licensed from 1st October 2023, following legislation approved by the Scottish Government to help regulate these properties. Hosts that had been already providing short-term lets prior to 1 October 2022 have until 1 October 2023 to submit their application. New hosts are required to submit their application for a license before they start accepting bookings.

2.6.2 Previously, where Family and Household Support received a complaint about Anti-Social Behaviour in relation to a Short-Term Let (including 'Party Flats') that had been operating prior to 1st October 2022, FHS carried out an investigation following the procedures for investigating Anti-Social Behaviour for Private Rented Accommodation.

2.6.3 However, as from 1st October 2023, **ALL** complaints of ASB regarding a short-term let will be investigated by regulatory services. As such, any complaints that FHS receive after 1st October 2023 that relate to ASB in a short term let property should be sent to Regulatory Services via the PRSEnforcement@edinburgh.gov.uk email account or by the complainer submitting an online form which can be found here: [Report a problem with a short term let – The City of Edinburgh Council](#)

3. Case Allocation: Beginning and Progressing a case, including APP requirements

3.1 All staff shall follow the APP processes and recording requirements:

[APP Training Manual](#)

[APP Process Map - ASB Complaint](#)

3.2 A Team Leader shall allocate a case on APP to the named FHS worker as the Investigating Officer following the procedure for case allocation.

3.3 As part of good case management, the Investigating Officer shall ensure their details are recorded accurately as the Investigating Officer for the case.

3.4 The Investigating Officer shall anticipate that any case could potentially result in enforcement action including legal action, resulting in Council records being used as evidence in court, and the Investigating Officer being called to give evidence in court. As such, all actions, communications, and decisions shall be recorded on APP, following the processes and guidance on APP use.

3.5 The allocated Investigating Officer should, from the time of allocation and throughout the life of the case,

ensure the following information is recorded and kept up to date:

- Full name, address and contact details of the person complaining and any changes during the life of the case
- Full name and address of the person complained about (i.e. Person of Interest, if known) and any changes during the life of the case
- DOB/Ages of parties
- Gender of parties
- Ethnicity of parties
- Accommodation tenure of both parties

- Background information, confirm system checks, historical context, previous complaints accommodation history, other professionals involved, other services involved
- Action notes describing communication with the person making the complaint and person being complained about (POI)
- Action notes recording all missed appointments and failed communications with the person complaining and person being complained about
- Before a Person of Interest is spoken to, an APP action note that clearly states whether the person complaining has agreed to be identified as the source of the complaint, or stipulated they want to remain anonymous
- Target and Review dates for Person of Interest contacts
- Incident Information and Supportive Evidence

3.6 The Team Leader shall ensure the following reviews are undertaken and record an APP action note for each review, checking that agreed levels of contact with the complainant are maintained by the IO.

- 5 working day review
- 20 working day review
- Case closure agreement action note

4. Role of the FHS Investigating Officer (IO)

4.1 The role of the Investigating Officer is:

- To undertake a full and thorough investigation into the circumstances of the complaint of antisocial behaviour
- To make an assessment about their findings
- Based on this assessment, make a recommendation to the Team Leader about any further intervention and action, including, but not restricted to:
 - No further action (non-enforcement)
 - Non-enforcement intervention including support
 - Enforcement Action (which may also include support).

4.2 The Investigating Officer must update APP with each action relevant to the case. This is to:

- Give a clear audit trail of work undertaken by the Investigating Officer
- Evidence, set-by-step, progress in the case
- Provide evidence of intervention and actions in any court action
- Provide continuity in a case if the case is transferred to a different worker
- Provide the customer with evidence of the work undertaken by the Investigating Officer in the event of the customer asking to view their records and to provide evidence of impact and outcomes
- To support service governance, oversight, auditing and planning.

4.3 All actions, decisions and interventions must be logged on APP. Examples of actions logged on APP during an investigation or intervention include, but are not restricted to:

- Summary of contact, including date and time, with person making the complaint, Person of Interest (POI), neighbours, and other professionals
- Information from interviews including incident dates and times
- A description of local/localised investigations conducted and the findings
- Names, addresses and contact details of additional witnesses
- All contacts made with other agencies including Police 'incident reference numbers'
- Whether the POI has been informed of the complaint and outcome
- Date, time and outcomes of any case management meetings including professional meetings, GIRFE meetings, Escalation Meetings, Short Scottish Secure Tenancy (SSST) reviews and Antisocial Behaviour Order (ASBO) reviews
- Warning meetings and letters
- Note of case discussion with Team Leader/Manager when it involves a decision around the direction of a case
- Meetings and contact with Council solicitor
- Whether a Family and Household Support Assessment Support Plan is required, has been started or has been completed
- Referral to Mediation
- When a referral has been made to another service, agency or organisation
- Case closure outcome and case closure summary (Investigating officer)
- Case closure outcome and case closure authorisation (Team Leader)

5. Contacting the customer and starting the Antisocial Behaviour Investigation

5.1 The allocated Investigating Officer shall contact the person making the complaint **within 2 working days**.

5.2 Prior to contacting and meeting the person making the complaint, the Investigating Officer shall:

- Check that there is a Screening Action Note giving basic guidance on the reason for allocation of the case, including any initial tasks to be undertaken
- Check the Allocation Note for identified hazards or specific guidance regarding safety and lone working protocol
- If the person making the complaint, or POI, is a Council tenant, alert the Housing Officer and seek any relevant information, including any known hazards
- Request information from Police in respect of any known hazards including risk of violence, drug use, requirement for a joint visit, single sex visit
- Refer to guidance on conducting interviews [conducting interviews](#)

5.3 Prior to any meeting or home visit to the person making a complaint, Family and Household Support Workers should always follow the Council's policy on Lone Working and Health and Safety at Work, and FHS's own Lone Working policy.

5.4 If the Investigating Officer identifies any risks or potential risks, the Investigating Officer should:

- Inform the Team Leader
 - In consultation with the Team Leader, complete the FHS Risk Assessment Form
 - Agree a safety plan with the Team Leader
 - Record actions and decisions on APP
-
- The Team Leader shall update any other systems as appropriate.

5.5 The Investigating Officer shall contact and arrange a discussion with the person making the complaint about antisocial behaviour to hear their complaint and start to assess the nature of the complaint. A face-to-face meeting is always preferable and is the expectation in all investigations into complaints of antisocial behaviour where requested or appropriate.

5.6 Once allocated to a case, the Investigating Officer shall contact the complainer within **2 working days**. In the first instance this shall be by phone, where this information is available. Only when it has not been possible to make contact by phone should the Investigating Officer make contact by e-mail, undertake a planned/unannounced home visit, or by letter. To remain GDPR compliant, non-secure e-mails must not contain any personal or third-party information.

5.7 The purpose of this initial contact is:

- For the Investigating Officer to introduce themselves to the person making the complaint
- To get an update of any further antisocial behaviour activity since the initial referral
- For the Investigating Officer to share their contact details and availability with the person for future contact or reporting of complaints during the period of the investigation
- To give initial advice and guidance
- To explain how the ASB investigation procedure works, including potential limitations around information sharing and explaining which aspects of the complaint require to be reported to another department, organization or agency for an investigation to take place via an alternative procedure (i.e. advising the complainer should be made to Police Scotland to initiate a criminal investigation).
- To arrange a suitable time to meet with the person making the complaint, **no later than 5 working days from the date of allocation**.

5.8 If it has not been possible to contact the person making the complaint, or where the person is not responding to phone calls or e-mail, the Investigating Officer shall consider an announced, or unannounced, visit to the home of the person making the complaint (in line with Lone Working policy). The Investigating Officer shall have a letter prepared to hand-deliver at the home address of the person making the complaint in case the person is not at home or does not respond. This letter shall have the Investigating Officers contact details including direct land-line phone number, e-mail address, and full postal address.

5.9 Following the initial contact, the Investigating Officer shall arrange to meet with the person making the complaint within **5 working days** of when the case was allocated to the Investigating Officer.

5.10 The Investigating Officer shall record all contacts, attempted contacts, and arrangements made with the person making the complaint about antisocial behaviour.

5.11 All reasonable steps must be taken to contact, and wait for a response from, the person making the complaint about antisocial behaviour before closing a case due to non-response from that person. All reasonable steps include, but are not restricted to:

- Making several phone calls including leaving a voicemail with the Investigating Officer's various contact details, including direct phone number and e-mail address
- E-mailing on more than two occasions
- Making an unannounced visit to the home address of the person making the complaint and leaving a letter with the Investigating Officers contact details as above.
- Sending a letter by post.

5.12 A reasonable length of time for waiting for a response will require judgement by the Investigating Officer, and ultimately their Team Leader at point of closure authorisation. Investigating Officers must be mindful of the potential difficulties some people may have in responding. Reasons for a non-response could include:

- The person making the complaint is on holiday and not contactable
- An English language difficulty
- There is a comprehension and capacity difficulty
- The person is fearful of reprisals
- The person making the complaint has changed their mind and this is their way of withdrawing their complaint.

5.13 In cases where there has been no response from the person making the complaint, the Investigating Officer shall make a recommendation to their Team Leader if the case should be closed or, due to the nature of the complaint, further investigation should be undertaken.

5.14 In cases where there has been no response from the person making the complaint, the Team Leader, as part of their decision regarding the future direction of the case, shall consider if a police welfare visit to the person's home should be requested, and/or a referral to Social Care Direct should be made.

5.15 Where the person making the complaint has responded, the Investigating Officer shall meet with them face-to-face. This will likely be in the person's home or a Council office. Alternatively, the Investigating Officer may meet the person in another location, such as the person's workplace, if this is more convenient for the person. In all scenarios, the Investigating Officer must assess the potential risk based on the information they have gathered and follow the appropriate Lone Working policies.

5.16 The purpose of the initial meeting includes, but is not restricted to:

- Clarifying the details of the complaint
- Explaining the investigation process which may include taking formal statements from witnesses
- Agreeing frequency of contact with the person making the complaint. Contact shall be a **minimum of every 10 working days**. Where contact is more frequent, or the customer wishes less contact, this must

- be recorded on APP Action Notes
- Ensuring the person has the Investigating Officer's full contact details, including the Investigating Officer's direct phone number, e-mail address and FHS Locality phone number
- Explaining enforcement options without raising unrealistic expectations, including what this requires of the person making the complaint
- Explaining the need for co-operation from the person making the complaint to assist with gathering evidence, such as the completion of incident diaries
- Asking about the impact of the antisocial behaviour on the person making the complaint
- Although the complainant has been informed of our ASB processes during the initial contact conversation, the Investigating Officer will reiterate and explain how the ASB investigation procedure works, including potential limitations around information sharing, and explaining which aspects of a complaint require to be reported to another department, organization or agency for investigation to take place via an alternative procedure (i.e. advising the complainant that a report be made to Police Scotland to report behavior that is criminal and not in scope of the ASB legislation.
- Asking for the POI form to be signed, if appropriate
(Aide memoire ; conducting interviews; Person of Interest form)

5.17 If a face-to-face meeting is not possible, or suitable (for whatever reason, including Covid-19 restrictions), or the person making the complaint specifically requests not to meet, or timescales have gone beyond reasonable expectations, the initial contact can take place as a phone call or another approved digital platform (i.e. Microsoft Teams). The reason for doing this should be clearly recorded in APP action notes.

5.18 The Investigating Officer shall agree with the person making the complaint a frequency of contact. This shall be a **minimum of every 10 working days**. The purpose of the contact includes, but not restricted to:

- To ask if there have been any further incidents of antisocial behaviour which have not been reported to the Investigating Officer
- To give an update to the person making the complaint, where appropriate and within the realms of confidentiality, on what intervention and action has been taken at that point in the investigation, while also explaining that the City of Edinburgh Council must follow Data Protection legislation in respect to all parties involved, which may prevent the sharing of the fullest information know. The complainant is to be kept informed as to the progress of the investigation during each agreed contact.
- If the complainant, during the course of an investigation, reports issues that do not fall within the scope of the investigation, such as criminal behavior or behavior not deemed to be anti-social in nature, the IO will ensure that the complainant understands that the issues that are being reported will not be taken forward through the Procedures for Investigating ASB and consequently wont form part of the ASB investigation or be used as supporting evidence. The IO will advise the complainant that these issues require to be reported to another department, organization or agency for investigation to take place via an alternative procedure.

- To offer support, guidance and advice.

5.19 The Investigating Officer shall keep in regular contact with other professionals involved, receiving and requesting updates. This shall be compliant with the appropriate guidance on confidentiality, data protection and Information Sharing Protocols.

6. Progressing an Investigation: Person of Interest and other witnesses

6.1 Person of Interest form

6.1.1 The Investigating Officer shall take a prepared POI form out on a first visit to the person making the complaint about antisocial behaviour.

6.1.2 The Investigating Officer shall request a signature for the POI form. It may be appropriate to leave the POI form with the person to consider.

6.1.3 In most circumstances it is preferable to be able to approach the POI seeking a restorative approach, and to resolve the issue and effect change.

6.1.4 If the person making the complaint does not want to be identified, and does not want to sign the POI form, explain it may be difficult to resolve the issue, with FHS being limited in what can be done.

6.1.5 Record on APP that the person making the complaint did not consent to signing the POI form and has not agreed to the Investigating Officer approaching the POI on their behalf.

6.1.6 The Investigating Officer shall assess whether the antisocial behaviour investigation can continue through other means which may include, but is not restricted to:

- A local/localised enquiry/investigation
- Letter-drop
- Speaking with other witnesses or potential witnesses
- Further information and evidence gathering.

6.1.7 The decision to investigate complaints and matters of alleged antisocial behaviour is the responsibility of the FHS Team Leader and FHS Manager. The decision to undertake and continue with an antisocial behaviour investigation, where the person who has made the complaint does not want to be identified and has not signed the POI, lies with the FHS Team Leader and FHS Manager. All decisions, planned actions and actions undertaken, shall be recorded on APP along with reasons given for the decisions made.

6.1.8 If the antisocial behaviour investigation is not able to progress, with or without approaching the POI, the Investigating Officer shall record their recommendation and reasons on APP and discuss other potential options with the Team Leader, including closing the case. Other options may include, but are not restricted to:

- Offering the person support
- Referral to other services

The decision from the discussion between the Team Leader and the Investigating Officer shall be recorded on APP. If the case is to be closed, the Investigating Officer and Team Leader shall follow the closure process

6.1.9 The Investigating Officer shall explain the decision to the person making the complaint and follow the case closure process.

6.1.10 Where the referral has come via a professional, the Investigating Officer shall inform the professional who made the referral of the outcome of the investigation.

6.1.11 Where the Investigating Officer considers it is inappropriate to approach the POI, such as safety issues, or potential for escalation of conflict, the Investigating Officer shall discuss the options with the Team Leader including, continuing with the antisocial behaviour investigation without initially approaching the POI. A record of this discussion and plan for the case shall be recorded on APP.

6.1.12 Where the POI form has not being signed but the antisocial behaviour is continuing, the Investigating Officer shall record on APP:

- The reason it is not appropriate for the POI form to be signed
- The reason for continuing the antisocial behaviour investigation/enquiry

6.1.13 A decision to disclose to a POI the identity of a complaint source, even where the person making a complaint about antisocial behaviour agrees to be identified and signs the POI form, requires professional judgement and assessment. The Investigating Officer shall discuss this matter with their Team Leader and agree the best course of action before proceeding with the disclosure.

6.1.14 Factors that the Investigating Officer shall consider before informing the POI of a person's identity include, but are not restricted to:

- Whether disclosing the identity of the person making the complaint is likely to lead to an escalation of conflict
- Whether meeting with the POI may allow the Investigating Officer to identify any supports for the POI
- Whether meeting with the POI and disclosing a person's identity may lead to a further discussion about the potential for Mediation.

6.1.15 The Investigating Officer shall record their decision and reason for disclosing the identity of the person making the complaint about antisocial behaviour, even when the person agrees to this. Additional factors such as any perceived risk as a result of a disclosure to the POI should be considered/stated.

6.2 Approaching a Person of Interest

6.2.1 Before approaching a POI the Investigating Officer shall gather as much information as possible to enable a risk assessment:

- Check Screening Action note,
- Check Allocation Action note
- Ensure available systems have been checked
- Check the tenancy tenure and if Council tenancy, communicate with the Housing Officer regarding any risks or hazards, any known background or historical information regarding the POI which may assist in your assessment of the situation
- Follow Council Health & Safety and Lone Working Procedure, and the FHS Lone Working protocols and procedure.

6.2.2 In the first instance, contact should be by phone, where this information is available. Only when it has not been possible, or deemed appropriate, shall the Investigating Officer make contact by other means, such as an unannounced visit, or letter. E-mail communication must be GDPR compliant and information sent to a non-secure e-mail account should not contain any personal, third-party or legally privileged information.

6.2.3 The Investing Officer shall contact the POI as soon as possible after meeting with the person making the complaint.

6.2.4 The purpose of contacting the POI is:

- For the Investigating Officer to introduce themselves to the POI
- To make the POI aware that allegations of antisocial behaviour have been made against them, but not to enter into a full discussion
- To arrange to meet with the POI.

6.2.5 The Investigating Officer shall attempt to meet the POI face-to-face.

6.2.6 Prior to contacting and meeting the POI, the Investigating Officer shall:

- Check the Allocation Action Note for identified hazards or specific guidance regarding safety
- If the person making the complaint, or POI, is a Council tenant, alert the Housing Officer and seek any relevant information, including any known hazards
- Where possible request information from Police in respect of any known hazards including risk of violence, drug use, requirement for a joint visit, single sex visit
- Refer to guidance on conducting interviews [conducting interviews](#)

6.3 Interviewing a Person of Interest

See [conducting interviews](#)

6.3.1 The purpose of meeting with the POI is:

- To make the POI aware of, and explain, the allegations against them
- Give the POI an opportunity to respond to the allegations
- Explore potential solutions

- For the Investigating Officer to share their contact details if the POI wants to make contact during the investigation

6.3.2 Solutions may include, but are not restricted to:

- Facilitating a resolution between both parties (using a mediation approach)
- Reviewing if formal Mediation might be appropriate
- Considering if the Person of Interest requires or is seeking support

6.3.3 Where the Investigating Officer discusses the complaint with a POI they should be clear that complaints are, at that stage, allegations and not corroborated or established events. The objective is to try to ascertain whether the allegations are valid or unfounded, and to take appropriate steps depending on conclusions reached.

6.3.4 The Investigating Officer shall take the opportunity to consider whether the Person of Interest might benefit from support and explore this with them.

6.3.5 The location of the meeting with POI can be in the person's home or office, or where appropriate and mutually agreed, through a digital platform. The decision will be dependent on a number of considerations, including:

- Any known risks or hazards identified
- The stage of the antisocial behaviour investigation and whether the Investigating Officer is meeting the POI as part of their antisocial behaviour investigation, or to issue any enforcement action such as a Warning
- Availability of the POI
- Consideration of any accessibility/mobility needs of the POI

6.3.6 Wherever the meeting takes place, the Investigating Officer shall follow the Council Health and Safety procedures, FHS Lone Working protocols, any local health and safety procedures as appropriate.

6.3.7 The meeting and discussions, along with any decisions made and actions identified, shall be recorded by the Investigating Officer on APP.

6.3.8 In some circumstances it may be appropriate and possible to visit the POI immediately after meeting with the person who is making the complaint. This shall depend upon, and involve:

- A POI form being completed by the person making the complaint
- The Investigating Officer having undertaken a risk assessment, including of the POI, prior to having made the visit to the person making the complaint, and being aware of any potential risks or hazards in relation to the POI
- The Investigating Officer undertaking a dynamic risk assessment, following the FHS Lone Working policy including considering contacting the Team Leader, or Duty Team Leader, to update their whereabouts and requesting a 'call-in / call-out' phone call

6.3.9 In such circumstances of approaching a Person of Interest, the Investigating Officer shall:

- Introduce themselves to the POI
- Explain the reason for their visit
- Make the POI aware that allegations of antisocial behaviour have been made against them
- Give the POI an opportunity to respond to the allegations
- Explore potential solutions
- Share their contact details if the POI wants to make contact in the future

7. Antisocial Behaviour Investigation Conclusion

7.1 The Investigating Officer shall seek to conclude their initial investigation and record their recommendation(s) with regard further action (enforcement or non-enforcement action) no later than **20 working days** from date of case allocation.

7.2 Non-Enforcement Action

7.2.1 Non-Enforcement action may include, but is not restricted to:

- Closing the case with No Further Action (NFA)
- Case closure with one or more parties being offered ongoing support
- One or more parties being sign posted to another service or agency
- Case considered for ongoing support from FHS Volunteer

7.2.2 Closing the case with No Further Action

The Investigating Officer shall follow the procedure for case closures, including:

- Complete all APP action notes for the case
- Record on APP using the appropriate code - 'Non-Enforcement', and in APP action note write a summary of case involvement and conclusion of antisocial behaviour investigation
- Pass case to the Team Leader to authorise closure of the case
- Team Leader shall close the case with an APP action note authorising the closure of the case.

7.3 Closure of investigation but continuing intervention with support

7.3.1 Where one of the parties is being transferred for support within Family and Household Support, the Investigating Officer shall continue to work with that party as the allocated support worker. Exceptions to this must be discussed agreed with an FHS Team Leader, and the reasons for this must be clearly recorded.

7.3.2 The Team Leader shall continue the allocation of the case to the relevant FHS worker by following the guidance for transferring an APP case to Northgate (FHS non-antisocial behaviour intervention/support module database).

7.3.3 Where more than one of the parties involved is being offered ongoing support, the FHS Team Leader shall decide which case is most appropriate for the Investigating Officer to continue to be allocated to.

7.3.4 Where there are no longer grounds to manage the case under APP, but ongoing support is required or requested, the case shall be transferred to Northgate by the Team Leader.

7.3.4 Where the party being offered support is not an open case on APP, the Investigating Officer shall consider the case as a new referral, and make an internal referral using the FHS referral form for Family and Household Support, following the Single Screening and Duty Process.

7.3.5 Cases that have been identified for, and where the customer has agreed to, a referral for FHS support shall be treated as a priority for allocation by the FHS Team Leader.

7.3.6 Where it is not appropriate for the Investigating Officer to continue involvement in the case by offering support to the person making the complaint, or the POI, the Team Leader shall:

- Record on APP their decision and reason not to continue with the allocation of that worker (keeping service and staffing confidentiality)
- Stating there is a 'conflict of interest' is not enough, the 'conflict of interest' should be explained
- Present the case and explain their decision at the next local allocation discussion
- Submit a referral to FHS, following the Single Screening and Duty process, and Allocation procedure and guidance.

7.4 Closure of investigation and sign-posting customers to another service or agency

7.4.1 Where one or more of the parties are being sign-posted or referred to another service or agency at the end of an investigation, the Investigating Officer shall record the details in the APP action notes.

7.4.2 The Investigating Officer shall then:

- Complete all APP action notes for the case
- Record on APP - 'Non-Enforcement', using the appropriate APP codes, and write a summary of case involvement and conclusion of ASB Investigation
- Pass the case to the Team Leader to authorise closure of the case
- FHS Team Leader shall close the case with an action note authorising the closure of the case

8. Enforcement Action

8.1 The Enforcement Action that can be taken will depend on the tenancy type.

8.1.1 Enforcement action that may be taken, depending on the tenancy type, includes, but is not restricted to:

- Use of an Antisocial Behaviour Agreement with a Young Person

- Issuing written Warnings
- Application to court for an Antisocial Behaviour Order (ASBO)
- Application to court for Decree to Evict
- Application to court for an Antisocial Behaviour Notice (ASBN)

8.2 Warnings

8.2.1 The Council, in its capacity as a landlord, may issue Warnings to Council tenants only. Warnings and Warning letters should not be issued to:

- Owner occupiers
- Tenants of private landlords.

8.2.2 Only written Warnings shall be issued. No verbal Warnings shall be issued to tenants.

8.2.3 Where a complaint of antisocial behaviour has been corroborated and a decision has been made to issue a Warning letter:

- A formal appointment letter shall be sent to the tenant of the property where the antisocial behaviour is taking place, inviting them to attend a meeting with the Investigating Officer. This applies even if the tenant is not the person responsible for the antisocial behaviour. The tenant is responsible for the behaviour of visitors.
- Interviews shall take place in a Council building and not in the person's home
- Where this is not possible, due to health issues or mobility issues for example, the Investigating Officer shall follow the Lone Working protocol, and undertake a risk assessment including requesting relevant information from Police Scotland and considering Police attendance, before agreeing to the home visit.
- Where the person does not attend the office appointment, and it is deemed inappropriate to undertake a home visit, this shall be agreed with the Team Leader, and the reasons/risks recorded on APP. The Warning letter shall be hand-delivered to the property in the company of a witness. A risk assessment shall be undertaken. It may be appropriate to ask Police to attend the letter delivery.
- Where it is not possible to hold an office appointment or home visit, the Investigating Officer should make all reasonable attempts to speak to the tenant by telephone, online digital platform or communicate via e-mail, making every attempt to explain the reasons for the Warning and giving an opportunity for the tenant to give their views.

8.2.4 The purpose of the meeting:

- If this is a first meeting with the person being complained about:
 - Explain the allegations of antisocial behaviour
 - Make the person aware of the investigation and conclusion
 - Allow the person an opportunity to explain the situation from their perspective
 - Make a final decision about issuing the Warning should new information emerge.

- To explain the reasons for the Warning (without divulging the source of the complaint, if this has not been disclosed)
- To ensure the potential consequences of further antisocial behaviour are explained
- To explore options for support to the person being issued the Warning. This may relate directly to the reasons for the cause of the antisocial behaviour or relate to other concerns the person may raise.

8.2.5 The Warning letter shall detail:

- The reason for the written Warning
- Any action agreed at the meeting
- Consequences of any future antisocial behaviour.

8.2.6 Within **2 working days** of the meeting to issue the Warning, the Investigating Officer shall record the outcome of the meeting and Warning on APP, along with starting the case closure.

8.2.7 There shall be no monitoring period following the issuing of the Warning. If there is no further intervention or enforcement action, the Investigating Officer shall proceed to case closure.

8.2.8 Where there is a view that a period of monitoring should be in place, this shall be considered as exceptional. The Team Leader shall record an APP action note stating:

- The reason for the monitoring period
- The length of time of the monitoring period
- A date to review the case, no later than **20 working days**

8.2.9 When the Warning has been issued and APP updated, the Investigating Officer shall close the case following the closure process which includes:

- Writing a summary of involvement and conclusion of the case, including a recommendation the case be closed
- Ensuring all case/action notes are up to date
- Ensuring the correct APP codes are used
- Pass the case to the Team Leader for closure
- The Team Leader shall follow the case closure process.

8.2.10 Where a decision has been made to continue to work on the case, the Team Leader shall record an action note on APP:

- The reason for continued involvement
- The planned intervention
- An anticipatory exit or end date to allow progression to case closure
- It is not enough for an action note to state that a case is open for 'monitoring' of the case

8.3 Owner occupied properties

8.3.1 Warning letters for breach of tenancy agreement due to antisocial behaviour shall not be issued to owner occupiers. As an owner occupier, the owner does not have a tenancy agreement with the Council.

8.3.2 A '**Letter of Cooperation**' shall be issued to an owner occupier where this is appropriate.

8.3.3 Where a 'Letter of Cooperation' is to be issued to a private owner, the Investigating Officer shall issue a formal letter inviting the owner, and any other residents as appropriate, to attend a meeting.

8.3.4 Where it is not possible to hold an office appointment or home visit, the Investigating Officer should make all reasonable attempts to speak to the owner occupier by telephone, online digital platform, or communicate via e-mail, making every attempt to explain the reasons for the Letter of Cooperation and giving an opportunity for the owner occupier to give their views.

8.3.5 A letter of co-operation should state:

- The nature of the complaint of antisocial behaviour
- The conclusion of the investigation (evidence of the antisocial behaviour)
- The nature of the request for cooperation
- Potential consequences if further reports of antisocial behaviour are received

9. Further Enforcement Action:

9.1 Antisocial Behaviour Order

9.1.1 The local authority has the power to apply to the Sheriff Court for an Antisocial Behaviour Order on any citizen, regardless of tenancy tenure. Registered Social Landlords also have the power to apply for the Orders. In general, Registered Social Landlords are responsible for investigating their own complaints of antisocial behaviour, making their own decisions regarding enforcement action, which can include applying to the Sheriff Court for the granting of an Antisocial Behaviour Order. As an Antisocial Behaviour Order is not restricted to any tenancy tenure, Antisocial Behaviour Orders can also be used where a person is of no fixed abode, or lives outside of the local authority area, but has behaved in an antisocial way within the boundaries of the City of Edinburgh Council.

9.1.2 Antisocial Behaviour Orders are not criminal penalties and are not intended to punish the person responsible for the antisocial behaviour. The use of Antisocial Behaviour Orders should be considered as a preventative step that acts to protect people in the community affected by antisocial behaviour from further acts of antisocial behaviour.

9.1.3 Family and Household Support officers can and should consider the use of Antisocial Behaviour Orders as a useful and appropriate court order that can be used in the attempt to bring about change in an individual's behaviour and act to prevent further alarm and distress caused by acts of antisocial behaviour. In some circumstances the change required may be environmental and the exclusion of an individual, or group of individuals, to an area, may bring about the appropriate change required.

9.1.4 Where an Investigating Officer assesses the use of an Antisocial Behaviour Order as an appropriate action, they must discuss this with an FHS Team Leader in the first instance.

9.1.5 Where the FHS Team Leader is of the view that consideration of an application for an Antisocial Behaviour Order is appropriate, the FHS Team Leader shall request an internal case discussion with the FHS Manager. This case discussion should include the overseeing FHS Team Leader, Investigating Officer and FHS Manager.

9.1.6 The purpose of the case discussion is:

- To provide the FHS Manager an opportunity to review the case
- For the Team Leader and Investigating Officer to provide a summary of the background of the case
- For the FHS Team Leader and Investigating Officer to provide a summary of the actions taken to date
- To ensure other options have been considered/explored/exhausted
- To provide a plan detailing the next step, including consideration of a formal referral to the Council solicitor with the recommendation of applying for an Antisocial Behaviour Order.

9.1.7 Where it is agreed that a formal referral to the Council solicitor shall be made, Family and Household Support staff shall follow the 'Guidance for Preparation for Legal Action including Antisocial Behaviour Orders and Decree's for Eviction'.

9.2 Evictions

9.2.1 The local authority, in its role as a landlord, can make an application to the Sheriff Court for a Decree for Eviction. Family and Household Support do not have delegated responsibility as landlord for Council tenancies. This sits with the Housing and Regulatory service under the Locality Housing Operations Manager.

9.2.3 Where an Investigating Officer assesses the use of an eviction as the most appropriate action, the Investigating Officer must discuss this with an FHS Team Leader in the first instance.

9.2.4 Where the FHS Team Leader is of the view that consideration of an application for a Decree for Eviction is appropriate, the FHS Team Leader shall request an internal case discussion with the FHS Manager. This case discussion should include the overseeing FHS Team Leader, Investigating Officer and FHS Manager.

9.2.5 The purpose of the case discussion is:

- To provide the FHS Manager an opportunity to review the case
- For the Team Leader and Investigating Officer to provide a summary of the background of the case
- For the FHS Team Leader and Investigating Officer to provide a summary of the actions taken to date
- To ensure other options have been considered/explored/exhausted
- To provide a plan detailing the next step, including consideration of a formal referral to the Council solicitor with the recommendation of applying for a Decree for Eviction.

9.2.6 Where it is agreed that a formal referral to the Council solicitor shall be made, Family and Household Support staff shall follow the 'Guidance for Preparation for Legal Action including Antisocial Behaviour Orders and Decree's for Eviction'

9.2.7 Where Family and Household Support are recommending that a Decree for Eviction is sought, the FHS Manager shall inform the Locality Housing Operations Manager in writing of the intention of Family and Household Support to make the referral to the Council solicitor with the view to instructing an application for a Decree for Eviction.

9.2.8 Where Family and Household Support are recommending that a Decree for Eviction is sought, the FHS Manager shall inform and seek advice and guidance from the Locality Housing Operations Manager prior to the application to Court being made. The purpose of the contact with the Locality Housing Operations Manager is:

- To inform the Locality Housing Operations Manager of the intention of Family and Household Support to instruct the Council solicitor on an application of Decree for Eviction
- To discuss if there are any other options available to the Locality Housing Operations Manager other than consideration of eviction
- To agree roles and responsibilities leading up to, and after, the granting of the Decree for Eviction.

9.3 Enforcement Action with ongoing support

9.3.1 There may be occasions where the Investigating Officer concludes that both enforcement action and support is required in a case.

9.3.2 The Investing Officer shall proceed with the appropriate enforcement action. The Investigating Officer shall offer support to the POI while taking enforcement action.

9.3.3 The FHS Team Leader shall decide on a case-by-case basis if the Investigating Officer can continue as the allocated support worker for the case.

9.3.4 The FHS Team Leader shall record their decision and reason on APP. Stating a 'conflict of interest' as a reason for the Investigating Officer not continuing in the case, is not an adequate record without explaining why the situation creates a 'conflict of interest'.

9.3.5 Where the enforcement action leads to a closure of the APP case, the FHS Team Leader shall follow the process for transferring a case from APP to Northgate.

9.3.6 Where the FHS Team Leader decides the support should be passed to another worker and not the Investigating Officer, the FHS Team Leader shall:

- Record their decision and reason not to continue with the allocation on APP (keeping service and staffing confidentiality)
- Stating that there is a 'conflict of interest' is not enough, the 'conflict of interest' must be stated and explained
- Present the case at the next local allocation discussion
- Justify and explain their decision at the local weekly allocation discussion
- Submit a referral to FHS in line with the Single Screening and Duty process, and Allocation procedure and guidance.

9.3.7 Such cases shall be considered as a priority for allocation by the FHS Team Leaders.

RESPONSIBILITIES

--

KNOWN RISKS

--

RETENTION PERIOD

RECORD	LOCATION	RESPONSIBLE OFFICER	RETENTION PERIOD
Policies and Procedures	G Drive/Safer and Stronger/FHS/R- Managers/Policies and Procedures		N/A

--	--	--	--

ASSOCIATED DOCUMENTS

DOCUMENT	TYPE
Title of document, where possible hyperlink to location.	(e.g. legislation, process, forms)
Promoting Positive Outcomes: Working Together to Prevent Antisocial Behaviour in Scotland (link).	Scottish Government Guidance
Developing a Community Safety Narrative for Scotland	Guidance document
Antisocial Behaviour etc. (Scotland) Act 2004	Legislation
Housing Tenancy Agreement	Case specific
Family and Household Support Referral Criteria 2018 (Professionals)	Guidance document
Family and Household Support Referral form	Document