

SPSO decision report

Case: 202002417, Yorkhill Housing Association Ltd
Sector: Housing Associations
Subject: Policy / administration
Decision: upheld, recommendations

Summary

C complained about the decision by their housing association to issue them with a final warning in respect of their tenancy following a decision by the police to charge C with two offences in respect of alleged anti-social behaviour. In particular, C stated that the housing association had failed to follow their own anti-social behaviour policy when issuing the warning in that they had not offered C the opportunity to discuss the incidents prior to the final warning being issued.

The housing association stated that the decision to issue C with a final warning had been made on the basis that C had breached the terms of their tenancy agreement and was already well aware of the likely consequences for their tenancy if they continued to behave in what the housing association considered to be an anti-social manner following a previous meeting to discuss a separate incident. The housing association also advised that C could not have been invited into the housing association's offices to discuss the incidents giving rise to the police charges prior to issuing the final warning due to the coronavirus restrictions in place at the time.

We found that the housing association had failed to follow their policy on antisocial behaviour by proceeding to issue a final warning to C in respect of their tenancy without firstly having offered C the opportunity to discuss the incidents resulting in the police charges. Therefore, we upheld the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for the association's failure to follow its anti-social behaviour policy prior to issuing them with a final warning in respect of their tenancy. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.
- Offer C the opportunity to discuss the issue and then, based on any matters discussed, review the decision to issue a final warning in respect of their tenancy.

What we said should change to put things right in future:

- Staff should act in line with the association's anti-social behaviour policy.