

	<b>Title</b>	Anti-social Behaviour Policy		
	<b>Reference</b>	ASB 01	<b>Owner</b>	Steve Adams
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## 1. Purpose and scope

1.1 This policy applies to customers of all tenures living in a home owned or leased by NCHA, and has 4 main objectives in dealing with ASB:

- To ensure that NCHA operates within a framework that complies with its statutory obligations and promotes best practice to help deliver 'great services'.
- To provide customers and colleagues with clear requirements and expectations and set out a flexible range of tools with which to manage these.
- To adopt approaches that will ensure that NCHA's strategic objectives are achieved; and to support customers, staff, contractors, and anyone else whose life is blighted by crime and ASB to lead 'better lives'.
- To prevent harassment of staff in the workplace.

Harassment is unwanted conduct related to someone's relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief, and age.

Sexual harassment is behaviour that has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

## 2. Responsibilities and risk

Community Safety Manager

Anti-social Behaviour Investigators

Anti-social Behaviour Assistant

Community Co-ordinators

All Colleagues

Failure to deal with ASB effectively, and in a way that meets reasonable expectations, may expose NCHA to risk as follows:

- Placing customers, staff, contractors, and other visitors to NCHA properties at risk of harm.
- Increased tenancy failure and higher property turnover leading to less stable communities.
- Reducing the quality of life of customers as well as negatively affecting their life opportunities.
- Adversely affecting communities, which could make properties difficult to let.
- Adversely affecting the wellbeing and ability of staff, contractors, and other visitors to NCHA properties to go about their normal day to day work and other lawful activities.
- Negatively affecting the reputation of NCHA with customers, staff, contractors, external agencies, local residents and regulating bodies. This may lead to a loss of further business opportunities and higher staff turnover.

## 3. Policy details and guidance

### 3.1 Ways to report ASB

- In an emergency, affected customers and colleagues should always call 999 in the first instance.
- Customers can call our Customer Experience Team on 0800 013 8555, 9.00am-5.00pm, Monday to Friday.
- Via our online reporting form on the NCHA website.
- By email to [info@ncha.org.uk](mailto:info@ncha.org.uk)
- Via the MyNCHA app.

## **3.2 NCHA's Response to ASB**

- 3.2.1 Every NCHA customer has entered into either a tenancy, lease, or licence agreement with NCHA which sets out the conditions of their expected behaviour. The person that has entered into this agreement is also responsible for the actions and behaviour of other home occupants (including any children) and visitors to the property.
- 3.2.2 We expect customers to take responsibility for minor disputes with neighbours. Much of what is perceived as nuisance may not be intentional, and the effect that it has on others may not have been fully considered. Where it is safe to do so, we would encourage customers to engage with their neighbours in the first instance, and to seek to resolve these issues before making a complaint to NCHA or other agencies.
- 3.2.3 When a report has been made which NCHA does not consider to be ASB, or which does not warrant being logged and investigated, the complainant will be advised of this at the earliest opportunity.
- 3.2.4 After a complaint of ASB has been logged, an ASB Investigator will be allocated to the case providing a single point of contact for the complainant throughout the period that the case is open. ASB cases will be logged and investigated in accordance with the current Service Standard and ASB Procedure guidelines.
- 3.2.5 The report will be investigated as per NCHA's ASB Procedure. The investigation will always consist of the following general actions:
- A risk assessment will be completed at the earliest opportunity to identify the level of potential harm to the complainant.
  - Any victims identified as being at medium or high risk will be referred to a Community Co-ordinator for additional support.
  - The ASB investigator will develop an Action Plan setting out the investigative steps that they intend to take, what is expected of the complainant, and the expected frequency of contact with them.
  - The ASB Investigator will carry out a timely investigation to secure all the available evidence to enable a reasoned judgement to be made.
  - At the conclusion of the investigation the ASB Investigator will decide whether the allegation has been proven or not, and if proven, implement the appropriate action.
  - The purpose of any action taken will be to impose the appropriate sanction, considering all the circumstances of the incident; to resolve any ongoing disputes, and to promote a change of behaviour by the perpetrator.
  - NCHA uses an incremental approach, utilising informal sanctions initially, unless the behaviour is serious enough to warrant immediate legal action.
  - The case will be monitored for a suitable period (at least 4 weeks) to establish if the action taken has resolved the issue.
- 3.2.6 In response to allegations of noise nuisance, we will ask complainants to use suitable methods of recording incidents for a reasonable period (usually about three weeks) to establish if the alleged noise constitutes a tenancy breach or not.

The factors that we will consider when deciding if noise constitutes a breach of tenancy or not include:

- the time of day when the noise is heard,
- how long the noise lasts for,
- how frequently the noise happens,
- the source of the noise,
- the volume of the noise.

There are several commonly reported noise issues that do not constitute breaches of tenancy such as:

- Babies crying
- Children playing at reasonable times of the day.
- One off parties and garden events that are not of an exceptional nature.
- General everyday living noise generated by use of stairs, doors, cupboards, and reasonable use of washing machines, televisions, music players and vacuum cleaners.
- Motor vehicles being driven in a normal manner.
- Dogs barking, unless it is at unreasonable hours, or is excessively persistent, or there is evidence of deliberate neglect of the animal which leads to the noise being caused.

3.2.7 Other common complaints that do not automatically constitute ASB include:

- Cooking smells
- The use of cigarettes, vapes and any other legally smoked items.

3.2.8 The following are types of behaviours that may be breaches of tenancy but will be dealt with outside of this policy by the Community Co-ordinators in accordance with the Estate Management Policy; unless there is evidence that they are persistent or carried out with a deliberate intention to harm the lives of other residents.

- Normal vehicle maintenance
- Overcrowding or allowing others to frequent or reside within the property.
- Untidy gardens and boundary issues
- Untaxed and unlicensed vehicles or parking problems
- Property maintenance
- Bin misuse and fly-tipping
- Ownership of pets not causing a nuisance
- Running a business

3.2.9 In cases where NCHA deems that mediation is the appropriate method of dealing with a neighbour dispute, we expect complainants to actively engage with this.

3.2.10 We will never reveal the identity of a complainant to an alleged perpetrator unless we have been provided with permission to do so. When it is not possible to carry out an investigation without the alleged perpetrator being aware of where the complaint has come from, usually due to the circumstances of the allegation, we will inform the complainant.

- 3.2.11 Before a case is closed, we will discuss this with the complainant. We will use satisfaction surveys to obtain feedback from customers and then use this information to assess service effectiveness and promote service improvements.
- 3.2.12 NCHA will seek to publicise the outcome of appropriate cases to increase customer and community confidence, deter perpetrators and to demonstrate to the wider public our ability and willingness to take the necessary action to fulfil the aims of this policy. We will never disclose the identity of witnesses or complainants in any such publicity.
- 3.2.13 NCHA recognises that some customers and households will be affected by multiple social and medical problems, including physical disabilities, personality disorders, mental health diagnoses, or alcohol and drug misuse issues. We will offer support and make referrals to appropriate support agencies where we identify this to be the case. This may include the use of positive requirements in agreed contracts or legal sanctions. NCHA will seek to sustain tenancies through the use of these initiatives and unless there is serious anti-social behaviour, we will not seek the eviction of customers who can evidence that they are actively and positively engaged with NCHA or other agencies to address these identified issues.
- 3.2.14 The aim of NCHA is to deal with ASB in such a way as to ensure that victims can remain in their home and to avoid anyone having to move to another property because of it.

### **3.3 Prevention and partnership working**

- 3.3.1 NCHA are committed to working in partnership with all relevant agencies in response to reported ASB and to prevent ASB taking place in communities. NCHA will engage with relevant partnership frameworks to achieve this. Prevention activities can include community-based initiatives, providing guidance to other teams in relation to property and estate design and engaging with communities following the handover of the new developments.
- 3.3.2 NCHA recognise the importance of 'shared spaces', as outlined in the Neighbourhood and Community Standard. NCHA will support initiatives to respond to and prevent ASB in spaces outside of our direct area of responsibility, such as local parks.

### **3.4 Complaints about NCHA's response to ASB**

- 3.4.1 During the period that a customer is party to an open ASB case, any dissatisfaction expressed regarding the investigation of that case will be managed through this policy and not NCHA's Complaints Policy.
- 3.4.2 However, if a customer expresses dissatisfaction regarding the behaviour of a member of the Community Safety Team this will be logged on the complaints management system in line with NCHA's Complaints Policy.
- 3.4.3 If dissatisfaction is expressed about the progress or management of an open ASB case as at 3.4.1 above, this will be brought to the attention of the Community Safety Manager who will review the case and explain his findings to the customer concerned. All details of this process will be recorded within the case notes.

- 3.4.4 NCHA encourages the use of the ASB Case Review in cases where a complainant is not satisfied with the outcome of an investigation and will support customers who wish to make such an application to the local authority in line with conditions laid down in respect of ASB Case Reviews in that geographical area.

### 3.5 NCHA's Lettings

- 3.5.1 Our lettings for Affordable Social Housing and submarket rent properties seek to prevent and minimise ASB and nuisance and to promote balanced, sustainable, and cohesive communities by:
- Excluding applicants where they or a member of their household have been guilty of conduct that would have been grounds for seeking possession of the property had they already been an NCHA customer.
  - Excluding applicants that have received a court sanction which undermines their suitability as an occupant of that property such as a Possession Order, ASB Injunction or criminal conviction.
  - Following local lettings plans to prevent a high turnover of residents, abandonments, high levels of crime and disorder and high concentrations of vulnerable persons.
  - Ensuring that all prospective customers undergo an assessment to not only identify the above, but to also identify any support needs that can be addressed to help them sustain the tenancy or licence. There will be follow up contact made during the early part of the residency to reinforce this.
  - All new customers will have their responsibilities and expected behaviours in respect of the relevant agreement explained to them during the sign-up process.
  - Prospective tenants of Care & Support projects or properties will have an in depth and comprehensive needs assessment so that high risk issues are identified, and a robust and comprehensive support plan can be put in place to either minimise the risk of ASB, or in exceptional circumstances to evidence an exclusion of that individual from the property.

## 4. Supporting documentation and key legislation

- 4.1 Forms  
None

- 4.2 Guidance  
[Regulator of Social Housing Consumer Standards](#) - [Neighbourhood and Community Standard Equality Act 2010](#)

- 4.3 Legislation  
There is a range of relevant legislation some of which gives powers to the police and local authorities that we will work with to maximise our ability to deal with ASB.
- [Housing Act 1985](#), [Housing Act 1988](#) and [Housing Act 1996](#) which provide grounds for seeking possession and making demotion orders.
  - [Protection from Harassment Act 1997](#) enacts the offence of harassment.
  - [Crime and Disorder Act 1998](#) enables information sharing with the police and encourages partnership working.
  - [Anti-Terrorism, Crime and Security Act 2001](#) extended the scope of the Crime and Disorder Act and sets out new racially aggravated offences.
  - [Anti-Social Behaviour Act 2003](#) contains references to Parenting Orders, the demotion of tenancies and amendments to the Ground 14 possession clause.

- [Anti-Social Behaviour Crime and Policing Act 2014](#) introduced the new orders and powers for dealing with ASB, injunctions, the absolute Ground 7A for possession and the Community Trigger.

- 4.4. Related policies
- Allocations Policy
  - Estate Management Policy
  - Ineligible Applicants Policy
  - Safeguarding Adults, Children and Young Persons
  - Domestic Abuse Policy
  - Hate Incident Policy
  - Customers with Vulnerabilities Policy

## 5. Monitoring and reporting

- 5.1 Individual case management and performance management will be conducted by the Community Safety Manager at regular one to one meetings. Each open case will be reviewed with ASB Investigators to ensure that service standards are being complied with and that the cases are being efficiently and pro-actively managed to achieve the best outcome for customers.
- 5.2 Performance against service standards and KPI's will be reported to senior managers and the Customer Committee.
- 5.3 The policy, supporting procedures and ASB cases are subject to compliance audits both internally and through NCHA's annual audit programme. Recommendations to improve the service will be supported by NCHA's senior leadership and executive team.

## 6. Definitions

### **Anti-social behaviour as determined by NCHA:**

ASB is any unreasonable behaviour that is causing, or is likely to cause, nuisance or annoyance to any person; is affecting NCHA's housing management functions; and constitutes a breach of the relevant tenancy, licence, or lease agreement in place; or any relevant grounds for possession within housing law.

Whether behaviour is unreasonable or not is determined by assessing all the relevant factors such as how frequently it is occurring, what time of the day it is occurring, whether it is intended to cause harm or not, and by also considering any vulnerabilities or other relevant circumstances of the victim.

### **Harassment**

This is a criminal and civil offence that is committed when:

A person pursues a course of conduct:

- (a) which amounts to harassment of another, and
- (b) which he knows or ought to know amounts to harassment of the other.

Point (b) is proven if a reasonable person in possession of the same information would think that the course of conduct amounted to harassment of the other.

A 'course of conduct' means conducts on at least two occasions.

Harassment also includes causing alarm or distress.

### **Hate incident**

A hate motivated incident is one where anti-social behaviour has been perpetrated against anyone because of a hostility towards that victim, or any prejudice based upon:

- a person's **race** or perceived race (any racial group or ethnic background including countries within the UK and Gypsy and Traveller groups), or
- a person's **religion** or perceived religion (any religious group including those who have no faith), or
- a person's **sexual orientation** or perceived sexual orientation, or
- a person's **disability** or perceived disability (any disability including physical disability, learning disability and mental health or developmental disorders), or
- a person who is **transgender** or perceived to be transgender, including people who are transsexual, transgender, cross dressers and those who hold a Gender Recognition Certificate under the Gender Recognition Act 2004.

An incident is hate motivated if the person making the report; the victim; the investigator, or any other interested party believes it to be.

For further information please see the Hate Incident Policy.

### **Domestic abuse**

NCHA have a separate policy for domestic abuse, but we recognise that there will be some reported nuisance (e.g. shouting, banging and disturbances) that may indicate domestic abuse as a factor, and we will instigate safeguarding measures where this is the case.

## **7. Equality and diversity**

- 7.1 This procedure has been written in line with NCHAs Equality, Diversity and Inclusion Policy and Equality Statement.

## **8. Appendices**

ASB Procedure

## **9. Policy Approval**

- 9.1 This procedure has been approved prior to issue by the Director of Homes and Wellbeing or if applicable by NCHAs Board or Customer Committee.