



EDEN HOUSING ASSOCIATION LIMITED

ANTI-SOCIAL BEHAVIOUR AND ESTATE MANAGEMENT POLICY

Document Reference Number:	HOU2
Document Owner:	Housing Manager
Approved By:	Executive Team
Approved Date:	16 July 2025
Policy Implementation Date:	16 July 2025
Revision Cycle:	(3 Years)

This policy applies to Eden Housing Association and all its wholly owned subsidiaries,
including Mitre Housing Association

1. POLICY STATEMENT

EHA recognise that anti-social behaviour (ASB), neighbour nuisance and harassment can seriously impact on the quality of life for our residents and have a negative impact on neighbourhoods and communities. We have a key role to play in tackling these issues and in creating safe and sustainable communities.

We understand that ASB is primarily a local issue with the frequency and nature varying considerably from area to area. This means that a simple one-size-fits-all response to ASB is not effective and in all instances, we will tailor our approach to the local circumstances.

EHA recognise that to provide a quality housing service we must be effective in tackling the problems created by ASB.

This policy fulfils the duties placed on the Association by S218A of the Housing Act 1996 (as amended by S12 of the Anti-Social Behaviour Act 2003). The primary aims of this policy are to:

- Prevent, reduce and stop the occurrence of ASB and to reduce its impact within our neighbourhoods.
- To ensure that a fair and consistent approach is operated.
- Provide relevant support for both reporters and subjects of ASB to ensure ASB is resolved effectively.
- To provide a service which leads to a high level of customer satisfaction.

2. DEFINITION

ASB, neighbour nuisance and harassment is any activity that impacts on other people in a negative way. The key to categorising behaviour as anti-social must be the consideration of its impact on others. We appreciate that this can be subjective as different people may be distressed or alarmed by different types of behaviour and activity.

For the purpose of this policy and accompanying procedures the following definitions shall apply

The definition of ASB as outlined in the Anti-Social Behaviour, Crime and Policing Act 2014 is:

- Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or

- Conduct capable of causing housing-related nuisance or annoyance to any person.

ASB can be categorised broadly into four main areas. Note that incidents of *environmental damage* and *misuse of public spaces* will be dealt with primarily under approach to Estate Management rather than ASB.

- Disregard for community/personal wellbeing.
- Acts directed at people
- Environmental damage
- Misuse of public spaces

EHA's tenancy agreement states that:

Tenants are not to cause or commit or allow anyone living with them or their visitors to cause or commit any form of harassment or other anti-social behaviour. This includes conduct in their home, on surrounding land, in communal areas and in the neighbourhood around their home. Harassment and anti social behaviour is any act or omission which interferes with the peace and comfort of or which may cause nuisance annoyance injury or offence to any other tenants, members of their household, visitors, neighbours, our employees, agents and contractors or any other member of the general public and includes (but is not limited to):-

- harassment on the grounds of age, gender, race, religion, culture, sexuality, disability or lifestyle;
- violence or threats of violence to any person;
- use of abusive or insulting words or behaviour in person and by way of correspondence, electronic communication, telephone or text message including social media;
- offensive drunkenness;
- damage or threat of damage to Premises belonging to another person including damage to any part of a persons home;
- writing graffiti and in particular graffiti which is abusive threatening or insulting;
- Neither to play, nor to allow to be played, any radio, television, cd player, amplifiers, loudspeakers, record or tape recording or musical instrument so loudly that it causes a nuisance or annoyance to other persons in the neighbourhood or can be heard through party walls or outside your home
- stalking someone;
- using or allowing the Premises to be used for prostitution;
- for dealing in, storing, selling or the illegal use of any controlled drugs; .
- any nuisance or annoyance caused by pets including barking and fouling;
- dismantling and/or repairing motor vehicles;
- playing ball games close to someone else's home;

- Not to use any domestic machinery or DIY equipment in such a way or at such times (e.g. at night or early morning) that it causes nuisance and annoyance to other people

There are some types of behaviour that may not be considered as ASB:

- Normal activities within the home at reasonable times of day, such as footfall, moving furniture, talking, cooking, smoking and babies crying.
- Use of domestic items at reasonable times of day, such as doors, washing machines, boilers, toilets, vacuum cleaners, tools or gardening equipment.
- Cars being parked legally, shared gates being left open or closed.
- Disputes over the maintenance of boundaries including the upkeep of fences and hedges.
- Personal differences or speaking unfavourably or untruthfully about another person, this includes using social media to air personal grievances.
- Dogs barking intermittently.

EHA will assess each report individually when deciding whether or not it is ASB, considering the circumstances around the case.

Upon receiving a complaint of ASB an appropriate EHA colleague will make an initial assessment as to how the case should be categorised:

Category 1 - serious incidents and cases

These are cases or incidents, which may involve harassment, deliberate intent, continuous action, violence, severe disturbance or threats. EHA should investigate further and contact the complainant within 1 working day.

Category 2 - general nuisance incidents and cases

These are cases or incidents, which are often about age or lifestyle differences, accidental actions, neglect or six of one and half a dozen of the other. EHA should make contact with the complaint within 10 working days.

Estate Management Issue

These are cases or incidents, which should be easily resolved and a written warning will suffice to remedy the issue. In some cases, a visit may be needed but EHA will rely on the complainant to provide evidence of the issue if it continues to be a problem.

3. REFERENCES

The external legislation relevant to this Policy and associated procedures is:

- Housing Act 1985, 1988, 1996 and 2004 which set out tenancy rights and responsibilities, and provide remedies to deal with problems of ASB.
- Anti-Social Behaviour Act 2003
- Protection from Harassment Act, 1997
- Crime and Disorder Act 1998
- Policing and Crime Act 2009
- Anti-Social Behaviour, Crime and Policing Act 2014
- Race Relations Act 1976 and 2000

- Equality Act 2010
- Respect ASB Charter for Housing
- Crime and Security Act 2010
- Domestic Violence Crime and Victims Act 2004

Key Internal References

- Anti-Social Behaviour Procedure
- Estate Management Procedure
- Equality and Diversity Policy
- Choice Based Lettings Allocation Policy
- Compliments, Complaints and Feedback Policy and Procedure
- Domestic Abuse Policy
- Community Action User Guide
- Absolute Possession Policy and Procedure
- Starter Tenancy Policy
- Safeguarding Policy
- Neighbourhood Management Policy

4. POLICY CONTENT

We recognise that a well-developed strategic approach to ASB will help us to deliver a responsive, high quality service. This includes:

- Having a clear understanding of the nature and causes of ASB in our area.
- Understanding which tools are the most effective in tackling ASB.
- Focusing on preventing ASB as early as pre-tenancy stage if possible.
- Understanding the demographic make-up of our local area as well as the profile of victims and those committing ASB – this assists us in targeting our prevention activity and resources for a greater impact.
- Ensuring that we have productive partnership working at both operational and strategic levels.
- Having an understanding of the cost, quality and performance of our ASB service as this helps us to demonstrate that the service is providing value for money.

Prevention Measures

We will use a range of preventative measures to try and avoid ASB.

- Projects for young people, our Housing Officers work in partnership with other agencies completing 'diversionary' activities such as detached youth work and intergenerational initiatives.
- Our Housing Officers will refer for Tenancy Related Support from external agencies to assist vulnerable tenants.
- New developments which 'design out crime' – working with the Police and residents to improve the security aspects of layout and new buildings to minimise the opportunities for crime and ASB.
- A responsive maintenance service which responds quickly to reports of fly-tipping, graffiti and damage to property.

- Sensitive and sensible lettings decisions which take into account the needs and likely behaviour of different types of tenant – e.g. families with children and teenagers, older people, those living with chronic mental or physical health issues.
- Joint assessments of risks and needs with health/social services teams will help us house more vulnerable households appropriately.
- Regular estate inspections where we will pick up on any security or vandalism issues and identify early any estates or neighbourhoods which might be in decline.
- Raising awareness on how to minimise noise nuisance and other forms of ASB by articles in our newsletter 'Viewpoint' and thorough sign up procedures.

Dealing with Anti-Social Behaviour

We have a “zero tolerance” approach to ASB and will use whatever solutions are available to resolve the issues.

Victims of ASB will be able to use the “Community Trigger” process to encourage action to tackle the issues that are affecting them; starting with a review of their case. We also recognise that paying attention to some basic elements can greatly improve our residents experience and perception, we will

- Train and support staff so that they deal confidently with ASB complaints.
- Make sure staff can prioritise complaints using a harm centred approach, ensuring that any welfare and support needs are identified and addressed.
- Make sure that the complainant has the name and contact details of the officer/s dealing with the case.
- Find out what the complainant is expecting from us and what would be a satisfactory outcome for them – (this gives us the opportunity to manage expectations).
- Be clear at all times about what is expected from the complainant, such as maintaining diary sheets, entering into mediation and reporting further incidents when they happen.
- Work with the complainant to agree an action plan for dealing with the problems and discussing the most appropriate tools available for a speedy resolution.
- Ensure that all of the commitments and promises detailed in our action plan are kept and the complainant understands fully what will happen next.
- Provide clear feedback, contacting the complainant regularly whilst the complaint is ongoing.
- Work and co-operate with other agencies, including the police, Crime and Disorder Reductions Partnerships (CDRPs) and appropriate Local Authority departments.
- Endeavour to close each case verbally either over the phone or in person before sending a case closed letter. This enables the officer to discuss the reasons for closing the case.

What we expect from the complainant

It is important that all complainants recognise the importance of working with us to resolve their complaint. Residents can support us by

- responding to our calls and/or letters,
- collecting information on the nuisance caused,
- being available for pre-arranged meetings/home visits,

- agreeing to enter into mediation with the perpetrator if required.

In exceptional circumstances failure to do so may lead to the case being closed due to lack of co-operation from the complainant. We take malicious complaining very seriously and will take action that is appropriate.

Working in Partnership

We understand that we cannot tackle ASB effectively if we work in isolation. In prevention, early intervention and enforcement it is essential to work with other agencies and providers to develop an effective approach to local problems. We are currently working with a wide range of statutory and voluntary agencies including:

- Mediation Services
- Local Authorities including Environmental Health
- Adult Social Care
- Children's Services
- Support Providers
- Eden Hub
- Carlisle & Eden CSP
- MARAC – Multi Agency Risk Assessment Conference
- MATAC
- Cumbria Police
- Other RSL's
- Mental Health Services
- Recovery Steps
- Probation Service
- EHA Tenants and Residents Groups

Multi agency Hub meetings will be held with all relevant partners to deal with particularly serious cases of ASB.

Enforcement Action

Our ASB procedure sets out the full range of actions which may be taken and the circumstances in which these will be used. Depending on the circumstances and the severity of the ASB, the following will be considered:

- Mediation;
- Acceptable Behaviour Contracts (ABCs) and Parental Guidance Agreements or Contracts;
- Anti-Social Behaviour Orders;
- Injunctions under Sections 153A, B, C, D & E of the Housing Act 1996 and Exclusion Orders – where appropriate, accompanied by the power of arrest;
- Injunctions under the Protection from Harassment Act 1997 (not available directly from Eden HA, but could be used by the victim. Eden HA may consider providing support for tenants to pursue an action under this Act where other options are not considered viable);
- Formal Court undertakings;
- Demoted tenancies;

- Reference to the police for criminal prosecution;
- Action taken with the local authority – for example under the Environmental Protection Act 1990;
- Possession Proceedings – including using the mandatory power of possession which enables landlords to take swifter action to evict their most anti-social tenants.
- Criminal Behaviour Order
- Dispersal Power
- Community Protection Notice
- Public Spaces Protection Order
- Closure Orders

We recognise that whilst eviction may be necessary to protect neighbours and communities from harm that is being caused by ASB, it may simply move the problem elsewhere. Eviction will only be used where all other avenues have been considered and there is no other alternative.

Supporting Complainants and Witnesses

A Risk Assessment will be completed on category 1 & 2 cases, at the time the complainant makes contact with the Association. These help us better understand the complaint and impact on the complainant, and can help determine the category of a case. A further Risk Assessment may be carried out at any time during the case if an Officer feels this necessary.

Whatever action is taken to tackle an ASB problem, we will make sure that the complainant/witnesses are supported and kept informed of progress throughout all stages of the process from report to remedy.

We recognise that the responsibility to support complainants and witnesses does not end after a court case. We are committed to providing support either directly or through other appropriate agencies for as long as required.

Support options may include:

- Use of third-party evidence to prevent neighbours/victims needing to be witnesses.
- Improving security measures for witnesses.
- Property alarms.
- Fire safe letter boxes.
- Personal Alarms.
- Mobile telephones and pagers.
- CCTV and sound recording equipment.
- Counselling.
- Negotiated priority response markers with the police.
- Protection with injunctions.
- Rehousing on a permanent basis.
- Escorting on visits to and from Court
- Use of “Community Remedy” to give victims a say in the punishment of perpetrators of low-level crime and ASB (out of court)

Rehabilitation of Perpetrators

We aim to make sure that, where possible, perpetrators (including juvenile perpetrators) are given the opportunity to make the required changes to their behaviour and successfully re-integrate into the community. Punishments will include “positive requirements” where appropriate. When responding to complaints of ASB we will consider any vulnerability or support needs and work with the individual to provide advice on accessing appropriate support.

Where appropriate we will:

- Work closely with Social Services, Education Welfare, and other organisations as required to tackle issues and provide support.
- Refer the perpetrator to appropriate agencies for tenancy support – primarily that commissioned by the local authority.
- Refer individuals to community drug and alcohol projects for support.
- Support local initiatives that provide activities such as sports, youth clubs and other community-based projects.

Where behaviour is linked to an individual's disability, we will make every reasonable attempt to support the individual to access appropriate help and support. Where this is not effective and the behaviour continues, we will take enforcement action. Throughout the period that enforcement actions is in progress, we will continue to encourage the perpetrator to access appropriate support to modify their behaviour.

5. RESPONSIBILITIES

The Director of Operations retains the overall responsibility for the implementation of this policy.

The Housing Manager and Customer Services Manager are responsible for the operational delivery of this policy and the associated procedures. This includes responsibility for monitoring and review, staff awareness and training, policy development and communication to customers.

6. CUSTOMER INVOLVEMENT

To assist in the production of the ASB Policy we obtained feedback from residents on our current services.

- We held a residents Focus Group,
- We have spoken to residents who have reported ASB to the Association
- We will continue to obtain feedback through Neighbourhood projects.

7. ACCESSIBILITY

We will use our Customer Profiling information to identify our tenants' preferred method of communication. If we are aware that the tenant has difficulty in reading or understanding information provided we will take all reasonable steps to overcome this problem.

8. CONFIDENTIALITY

We will adhere to the Data Protection Act. Information provided in relation to an ASB case will be treated as confidential at all times and will only be passed to external agencies with prior consent – except in circumstances where there is a serious risk of harm.

9. INFORMATION SHARING PROTOCOL

We have entered into an Information Sharing Protocol with Cumbria Constabulary. This sets out the agreement between the Police, Partner RSL's for the sharing of information about individuals involved in incidents of ASB. The aim of the Protocol is to share information to help reduce ASB, whilst respecting the individuals' rights in line with the requirements of the Data Protection Act.

10. VFM

Eden HA achieves value for money in the implementation of its ASB & Estate Management Policy in the following ways:

- In the majority of cases staff will undertake their own court work for demotion, injunction and possession proceedings thus not incurring solicitors' costs.
- Effective joint working spreads the costs of tackling ASB and other agencies have powers and sanctions which we can utilise.
- Housing Officers and other visiting staff will carry out regular estate inspections whilst visiting their estates, this helps to proactively identify areas in decline and community safety issues that can be addressed by the Association.

11. EQUALITY IMPACT ASSESSMENT (EIA)

This policy has taken into account any protected characteristics under the Equality Act 2010 are being potentially discriminated against or disadvantaged. A copy of the EIA can be found as appendix.

12. MONITORING & REVIEW

The Anti-Social Behaviour and Estate Management Policy and accompanying procedures will be reviewed on a 3-year basis.

Operationally the Managers will carry out regular, systematic quality checks, with a supporting audit trail to make sure that:

- Staff dealing with ASB are taking a consistent, appropriate approach.
- The quality of letters, communication and action planning is acceptable.
- That appropriate action is being taken and the right tools are being used.
- That targets and promises are being met.
- Provide a complaints procedure, in the event that anyone is dissatisfied with our performance in dealing with cases of anti-social behaviour.

Equality Impact Assessment

Question	Response
1. Name of the policy/practice/activity being assessed	Anti-Social Behaviour Policy
2. Summary of aims and objectives of the policy/practice/activity	To provide an effective resolution and or action relating to Anti-Social Behaviour in our communities
3. What involvement, consultation, engagement has taken place for the policy/practice/activity (e.g relevant groups/stakeholders)	Online survey with users of the ASB service in the past 12 months.
4. Who is affected by the policy/practice/activity	Any residents who causes or is impacted by Anti-Social Behaviour
5. What are the arrangements for monitoring and reviewing the impact of the policy/practice/activity	Policy is on a review cycle.

Protected Group	Is there a potential for a positive or negative impact	Explain and provide evidence/data used	Action to address the negative impact
Disability	NO		
Gender reassignment	NO-		
Marriage or civil partnership	NO -		
Pregnancy or maternity	NO -		
Race	NO -		
Religion or belief	NO		
Sexual orientation	NO		

Sex (gender)	NO		
Age	No		

Evaluation

Question	Explanation	
Is it possible the proposed policy/practice/activity could discriminate or unfairly disadvantage people	Eden Housing Association is committed to ensuring that no person or group of persons will be treated less favourably than another person or group and will carry out its duty with positive regard for the following core strands of equality	
Decision	Tick the relevant box	Include any justification required
1. No barriers identified – proceed	X	
2. Barriers identified towards one (or more) protected groups – stop		
3. Barriers identified towards one (or more) protected groups – adapt or change the policy/practice/activity		
4. Barriers identified towards one (or more) protected groups – no proportionate way to amend the policy/practice/activity so proceed with caution		

Completed by – and date	Jenny Glassford – November 2024		
Reviewed by	Executive Team – 16 July 2025		
Review Date (if applicable)			
Will this EIA be published	All policies have EIAs appended to the document. Any public facing policy will be uploaded to the EHA website		

Action (To be completed as required)

If the Evaluation has resulted in Decision 4, complete a risk assessment and record on Operational Risk Register	Date Completed:
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Change Log

Name	Date	Version	Change
	When published	1	
Jenny Glassford	November 2024	2	Updated timeframe for response, what EHA defines as ASB and also updated legislation and Acts.