

# Housing Anti-Social Behaviour Policy

Housing Landlord Services

HLSPOL21

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# Document

<b>Name of Policy</b>	Housing Anti-Social Behaviour Policy
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<b>Purpose of policy</b>	To outline New Forest District Council's (NFDC) approach to dealing with reports of Anti-Social behaviour (ASB)
<b>Policy applies to</b>	This policy and the subsequent arrangements apply to all directly and indirectly employed housing staff within NFDC and, where appropriate, tenants, contractors and members of the public.
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<b>Updated overview</b>	Replacement of 2013 ASB Policy with a New ASB Policy

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# Introduction

This Policy related to the Council's housing landlord's function.

The Purpose of this Policy is to foster positive relationships with our residents and to deliver better outcomes.

The Council has a responsibility to prevent Anti-Social Behaviour (ASB) by keeping homes, neighbourhoods, and communal areas under its control, safe and clean. The Council is required to have effective policies and processes in place to tackle ASB and hate incidents.

The Council accepts that everyone has a right to their chosen lawful lifestyle providing that it does not spoil the quality of life of others. The Council has an important role to play in making sure that such rights and obligations are managed effectively.

Our service standard dictates that all reports of ASB and Neighbourhood management issues are responded to, with clear actions agreed on how NFDC can assist with resolving the reported problem.

In cases of ASB, when the need for formal intervention is required by us, we aim to take a risk-based approach, assessing both the risk to victims and their wishes. In tackling ASB we will utilise both non-legal and legal measures.

In cases that don't meet the threshold for ASB intervention the report will be responded to under the Council Good Neighbourhoods Management Policy. That Policy outlines how we will respond to behaviours which are not ASB or considered a breach of tenancy. These behaviours can still be impactful but require a different response where residents are provided with access to the appropriate advice and tools so that as neighbours, they can work together to resolve any differences.

Hate crimes and hate incidents are categorised as a type of antisocial behaviour (ASB). The Council has a separate Hate Crime Policy but reports of hate crimes or hate incidents which are investigated by the Council should be read alongside this Policy.

This policy also excludes domestic abuse as this are dealt with under separate policies and procedures.

Behaviour towards our staff and contractors is dealt with through our internal accident, incident reporting & investigating policy.

How we use CCTV is dealt with through the Council's [CCTV Policy](#).

Complaints about the way we manage our response to ASB or Neighbourhood issues are dealt with through our [corporate complaint Policy](#).

Separate to this policy, residents have a right to make an application for an ASB case review (previously known as a Community Trigger)

### Objectives:

The Council is committed to tackling ASB by:

- Using preventative and early intervention measures to reduce incidents of ASB.
- Emphasising the importance of early and proactive action to prevent cases from escalating.
- Responding to all cases of ASB with clear actions agreed with residents.
- Providing early and effective triaging and assessment of reports to see if the reports meet the threshold to be considered ASB.
- When cases are not considered ASB respond to thus under our Good Neighbourhood Management Policy.
- Working in partnership with Police, Hampshire County Council, Education, Health and other public bodies at both formal and informal levels to prevent and respond effectively to ASB.
- Making available self-help tools focusing on communication over conflict to prevent issues escalating to more serious ASB.
- Providing effective communication, providing clear explanations on how residents reports will be managed, what actions the Council can take, what actions residents must take and what limitations we may face.
- Following a risk-based approach towards ASB, so that the most serious ASB, which has the greatest impact on people's lives, is prioritised, tackled and resolved.
- Supporting victims of ASB and encouraging perpetrators to change their behaviour through referring them for support.
- Making every effort to resolve reports without the use of non-legal action (where appropriate).
- Taking a risk-based approach in cases of ASB where legal action is required - assessing both the risk to the victims and their wishes before taking proportional action.
- Providing residents with access to the appropriate advice and tools in cases that don't meet the threshold for ASB intervention.

# Legislative and regulatory context

In 2014 The ASB Crime and Policing Act was introduced with the aim of providing simpler, more effective powers to tackle ASB, that would provide better protection for victims and communities. This Act split the definition of ASB to cover the different legal tools available to both the Police and Local Authorities.

The Definition under Section 1 of the act became widely recognised by Housing Providers as the definition for ASB. Statutory guidance was published in 2019 which focused on the importance of tackling the impact of ASB and the effect this has on victims and on victims' needs.

In 2022 National Government published five ASB principles, which are:

1. Victims should be encouraged to report ASB and expect to be taken seriously. They should have clear ways to report, have access to help and support to recover, and be given the opportunity to choose restorative approaches to tackling ASB.
2. Agencies will have clear and transparent processes to ensure that victims can report ASB concerns, can understand how the matter will be investigated and are kept well informed of progress once a report is made.
3. Agencies and practitioners will work across boundaries to identify, assess and tackle ASB and its underlying causes. Referral pathways should be clearly set out between services and published locally. This includes pathways for the ASB case review and health services.
4. The public's ASB concerns should always be considered both nationally and locally in strategic needs assessments for community safety. Best practice should be shared through a network of ASB experts within each community safety partnership, each policing area and nationally.
5. Adults and children who exhibit ASB should have the opportunity to take responsibility for their behaviour and repair the harm caused by it. Agencies should deliver appropriate interventions, which may include criminal justice options, based on the seriousness, risks and vulnerabilities of the case.

The Regulator of Social Housing launched its new regulatory framework on 1 April 2024. The Regulatory standards relating to ASB are contained within the new Customer Standards, which include Neighbourhood and Community Standards, Tenant Involvement and Empowerment Standard and the Tenants Satisfaction Measure Standards, which stipulate:

### Safer Neighbourhoods standards

- Registered providers must have a policy on how they work with relevant organisations to deter and tackle ASB in the neighbourhoods where they provide social housing.
- Registered providers must clearly set out their approach for how they tackle and deter hate incidents in neighbourhoods where they provide social housing.
- Registered providers must enable ASB to be reported easily and keep tenants informed about the progress of their case.
- Registered providers must provide prompt and appropriate action in response to ASB, having regard to the full range of tools and legal powers available to them.
- Registered providers must support tenants who are affected by ASB, including by signposting them to agencies who can give them appropriate support and assistance.

### Transparency, influence, and accountability standards

- Registered providers must ensure complaints are addressed fairly, effectively, and promptly.

### Tenant Satisfaction Measures Standards (TSMs)

- Registered providers must collect and provide information to support effective scrutiny by tenants of their landlord's performance in managing their homes and neighbourhoods.

This places a requirement on landlords to publish performance statistics on the number of ASB cases relative to the size of the landlord (TSM NM01) and the collective response to the question 'How satisfied or dissatisfied are you with NFDC's approach to handling ASB.'



# Definitions

## **Anti-Social Behaviour:**

The Council has adopted the following definition of ASB as set out in the Anti-Social Behaviour, Crime and Policing Act 2014:

- a) Conduct that has caused, or is likely to cause, harassment, alarm, or distress to any person.
- b) Conduct capable of causing nuisance or annoyance to a person or relation to that person's occupation of residential premises.
- c) And conduct capable of causing housing-related nuisance or annoyance to any person.

The Council recognises that the decision to rule something as ASB is subjective. This is based on how the behaviour makes people feel. We understand that people have different tolerances, expectations and perceptions. Sometimes individuals will consider something to be ASB when it is not behaviour that could be considered unreasonable.

It is for this reason that when the Council decides whether something is to be defined as ASB we will consider not just the definition of ASB, but also whether the behaviour is unreasonable.

When deciding whether something is unreasonable, we will base this on several factors. This includes, but is not limited to:

1. The frequency of the problem – we are unlikely to consider something as ASB if it is a one-off incident unless it is particularly serious.
2. How long each incident lasts and/or the times of day that an incident occurs.
3. The impact upon the victim(s).
4. The intention of the alleged perpetrator and whether they mean to cause harm.

Our response to reports that are considered ASB are outlined in our **ASB Commitments**. When applying this test, any behaviours that are not

considered by officers to be ASB due to different lifestyles or every-day living situations and are not intended to cause nuisance or annoyance will be responded to under the Council's **Good Neighbourhood Management Policy**.

We will only progress reports in cases where we are satisfied our intervention is appropriate and may resolve the issues, and there is no agency better placed to respond.

To ensure this happens an assessment of all ASB and reported problems between neighbours will be undertaken to identify not only the nature of the behaviour and the causes, but also to identify at an early-stage cases of neighbour nuisance or disagreements which may not be classified as ASB, but may still impact resident's lives.

Behaviours that generally will not be considered ASB and therefore unlikely to be responded to under this policy could include:

- Normal household noise, such as noise from household appliances, children playing, children crying, normal dogs barking, occasional door slamming, toilets flushing, or sexualised noises.
- Noise caused due to outstanding property repairs.
- Smells from cooking.
- One-off parties, including BBQs.
- DIY within sociable hours.
- Noisy plumbing or appliances.
- Parking disputes.
- Messy gardens.
- Minor behavioural irritations – such as 'dirty looks', 'staring', or 'non abusive' comments.
- Household lifestyle clashes.
- Occasional bonfires.
- Complaints about CCTV.

(This is not an exhaustive list.)

# Roles and responsibilities

All housing staff are responsible for promoting a clear message that NFDC does not tolerate ASB, and designated officers will work with partner agencies to take appropriate action to resolve reports and allegations of ASB and reported problems between neighbours.

## Customer Services (CS) & the Housing Support Hub (HSH)

- Customer Services and the Housing Support Hub are likely to receive the initial reports and are responsible for logging the initial query and providing information of response times.

## Tenancy Sustainment Assistant / Neighbourhood Assistant

- Reviewing initial reports made to Housing resident services.
- Review and investigate minor complaints on instruction from the Neighbourhood Housing Officer.
- To provide help, advice, and information to residents on the full range of tenancy and neighbourhood management services
- Can also be responsible for managing and processing reports on instruction from the Neighbourhood Housing Officer.

## Void Co-Ordinator

- Responsible to administrating the reletting of properties.

## Temporary Accommodation Officer

- Responsible for managing and progressing reports in the NFDC Homeless Temporary accommodation.
- Ensuring that all tenants abide by the licence Conditions, providing advice and support whilst taking initial enforcement action (when appropriate).
- Liaising with other departments and agencies, taking joint action when required.
- Keeping accurate records and updating complainants.
- Referring and liaising with support services to assist alleged perpetrators with managing their licence.
- Identifying cases which fall outside of the definition of ASB and working with residents to effectively resolve the issues using non-legal measures.
- Escalating complex or challenging cases to the ASB & Neighbourhood Housing Manager / Neighbourhood Housing Officer.

## Neighbourhood Letting and Sustainment Officer

- To deliver Housing and Neighbourhood management services from the commencement of any type of tenancy provided by the Council.

- To ensure tenancy conditions are explained and to identify vulnerable tenants and to ensure that relevant support is provided through support agencies and others to assist them in maintaining their tenancy.
- To provide help, advice, and information to tenants to assist with sustaining their tenancy.
- To resolve any breaches of tenancy.
- Managing the process of ending tenancies as required,
- Dealing with tenancy requests such as succession, relationship breakdowns, approval of mutual exchanges and ensure compliance of any home improvements carried out by the tenant.
- Referring ASB or Neighbourhood reports to the Neighbourhood housing Officer

### Neighbourhood Housing Officer

- The main contact for residents and are responsible for managing and progressing reports under this Policy.
- Ensuring that all tenants abide by the Tenancy Conditions, taking enforcement action where appropriate.
- Liaising with other departments and agencies, taking joint action when required.
- Keeping accurate records and updating complainants.
- Referring and liaising with support services to assist alleged perpetrators with managing their tenancy.
- Identifying cases which fall outside of the definition of ASB and working with residents to effectively resolve the issues using non-legal measures.

### ASB and Neighbourhood Manager (ASBM)

- Lead Manager for the response to ASB.
- Housing staff will liaise with the ASBM around High Risk or Complex cases whether guidance and support is required.
- ASBM will review cases, looking at what more can be done, and work proactively with Housing Resident team to tackle the situation.
- ASBM can act as a single point of contact of high harm / high risk cases as necessary.
- ASBM will review staff training and processes so Housing Staff are aware and trained to use the appropriate tools to tackle ASB.
- ASBM will identify long standing cases and guide Housing Staff towards resolution.
- ASBM is responsible for the quality of the service and ASB performance.
- ASBM is responsible for updating Policy and Procedure to reflect current and good practice.

### Neighbourhood Letting and Tenancy Sustainment Manager

- Respond to service requests and complaints in line with the corporate complaint's procedure.
- Monitor staff compliance with the procedure.
- Deputise for the ASB & Neighbourhood Manager.

### Tenant Engagement Manager

- Responsible for data collection and engagement around tenant satisfaction measures.
- Collating the tenants voice and working with the ASBM around service improvement, policy development and implementing learning following complaints.

### Service Manager for Housing Resident Services

- Responsible for service delivery and response to complaints made under the corporate complaint process.

### Strategic Director and Assistant Director – Housing & Communities (AD)

- Responsible for overall delivery of the service and complaints made under the corporate complaint process.

### Legal Team

- Where appropriate, the Neighbourhood & Estate Management Team will instruct, liaise, and seek advice from the Legal department when enforcement action is being considered /required.

### Other Service leads, managers & officers

The Neighbourhood Management Team will also liaise and seek advice from:

- Community Safety
- Service Manager - CCTV, Community Safety & Community Alarms
- Environmental and Regulatory Services
- Housing repairs / operations
- Open Spaces & Pest Control
- Benefit Services
- Service Manager for Housing Options & Tenancy Accounts
- Homelessness Officers
- Homesearch Team
- Tenant Accounts Manager / Rent team

# Our ASB Commitments

## Preventing ASB

We will attempt to prevent ASB through a variety of measures:

- Using Introductory Tenancies to ensure new tenants fully understand their responsibilities.
- Completing nomination assessments to ensure support needs are identified ahead of sign up.
- Comprehensive sign ups where tenancy obligations are explained, support needs are recorded, and tenants are referred for additional support.
- Settling in visits – used to emphasis tenants’ obligations and highlight and follow up on any support needs.
- Prevent individuals and families who have a proven history of ASB from becoming NFDC tenants.
- Encourage tenants and residents to report incidents of ASB through the advertising of services via the council’s website, tenant engagement and community events.
- The use of fixed term flexible tenancies in accordance with our tenancy strategy.
- Informal and Formal interventions such as visits, letters and warnings.
- Identifying cases at an early stage which require a good neighbourhood management response.

## Reporting ASB – Service Standards

All reports should be reported to the Council at the earliest opportunity. Reports can be made including letters, telephones, emails, in person and online through our website. We will also receive reports from other agencies such as the Police.

NFDC will endeavour to respond to all suspected cases of ASB within **5 working days**, if the suspected ASB is deemed **urgent** or **serious** NFDC will endeavour to respond within **1 working day**.

Urgent or serious reports involving violence or threats of violence which represent risk of significant harm or pose an immediate risk to life or property will be defined as meeting the service definition of ASB.

We will use the terminology “**Party 1**” and “**Party 2**” to avoid incorrectly labelling victims or perpetrators. Party 1 will refer to the person making the report and Party 2 will refer to the person the report is about.

## Responding and actioning ASB reports

In cases of ASB the Council will conduct an initial assessment, if the report meets the definition of ASB the Council will complete a **risk assessment**, which will assess both the risk to the victims and their wishes. To ensure that reports are dealt with a **ASB action plan** will be agreed to support our response and investigation. By risk assessing cases of ASB we will provide a flexible and tailored response to cases of ASB.

The full timescales to responding to reports are set out in our internal procedure.

The Council will consider which course of action is suitable to the circumstances, depending on the tenant’s rights, severity and/or persistent nature of the conduct and we will have regard to the proportionality and reasonableness of the action. Unless the nature of the incident is to such a level that immediate legal action is required the Council will generally use non-legal measures first and we may use more than one remedy to address an issue.

The Council has a wide range of tools and powers to challenge ASB and will decide on a case-by-case basis which tool and powers are the most appropriate to use, whilst considering the wishes of the victim.

In appropriate cases residents will be encouraged to engage and communicate with one another and understand one another’s point of view. This will typically involve a referral for mediation.

When our interventions have failed (or are not successful) and the harmful ASB continues the Council may consider legal measures.

### We will:

- Complete a full assessment of all cases assessed as ASB
- Keep in regular contact with resident/s regarding the progress of their case.
- Offer / complete a risk assessment assessing both the risk to the victim(s) and their wishes on urgent cases of ASB and on assessed cases of ASB.
- Regularly review risk assessments via case review meetings
- When actioning ASB reports ask residents to keep a log of incidents and assist in evidence gathering.

- Encourage residents to take up the offer of mediation when appropriate.
- When actioning ASB reports ask residents to use noise monitoring equipment, work with Environmental Protection or other appropriate services.
- When investigating cases ask that reports are made to the Housing Hub / to the Neighbourhood Team or the Police.
- Encourage residents to engage with supporting services, such as Victim Support or Health Services. This is to assist with coping strategies or other interventions linked to their health and wellbeing.
- Complete a proportionality assessment before taking any formal tenancy action such as a notice of seeking possession.
- In case of low impact or no risk to harm direct residents towards 'self-help' tools.

## Remedies for tackling ASB

The Council will use a variety of measures to resolve ASB. This is not an exclusive list but includes the main measures that can be explored to resolve ASB.

### Non-legal measures

- Mediation
- Visits
- Warning letters
- Acceptable Behaviour Contracts (ABCs)
- Diversionary Activities
- Referrals to supporting agencies
- Joint actions agreed with partner agencies

### Legal measures

- Introductory Tenancy extensions
- Notice of seeking possession
- Notice under Section 146 Law of Property Act 1925
- Absolute Grounds of Possession
- Notice to Quits
- Ending of a fixed term tenancy
- Possession orders
- Demoted Tenancies
- ASB Injunctions
- Community Protection Warnings & Notices (Service by Council and/or Police)
- Criminal Behaviour Orders (served by Police)



- Dispersal Power (served by the Police)
- Public Space Protection Order (NFDC Community Safety Team)
- Abatement Notices (served by the Councils Environmental Protection team)
- Closure Notices and Orders (Service by Council and/or Police)

# Tenants Rights, Leaseholders (including shared ownership) rights & responsibilities

Council tenants and leaseholders have clear rights and responsibilities in relation to ASB under their tenancy agreement or lease with the Council.

In general, a tenant/leaseholder has the right to be able to live in their home as they choose and without interference from any person. They have a responsibility to ensure that neither they, nor anyone living with them, or visiting their property acts in an anti-social manner, and this includes the behaviour and actions of children and pets.

In cases where tenants and leaseholders persist in causing ASB they can be evicted from their homes and the property returned to the Council's housing stock. Eviction will only be requested by the Court as a last resort, when all other interventions have failed and when the behaviour is to such an extent that it warrants making the person homeless.

The Council's Lettings Policy enables the Council to exclude those evicted for ASB from the Council's HomeSearch housing register (in certain circumstances). More information can be found under the Council's [scheme of allocation](#)

# Support

Often a person's vulnerability may make them more likely to be a victim or perpetrator of ASB or result in a clash of lifestyles between neighbours.

Where identified or disclosed we will act upon on any support need of residents.

Support might include practical solutions such as property improvements, or additional security, as well as referrals to supporting agencies such as Adult Services or Children Services, Health Services or Victim Support.

In cases of ASB any intervention or enforcement action may run alongside supportive measures to help prevent ASB or neighbour reports reoccurring/occurring.

The council will endeavour to encourage awareness and engagement as a means of helping sustain tenancies.

In ASB cases when assessing what action should be taken consideration will be given to what support the alleged perpetrator would benefit from, such as support around substance misuse, mental health or offending.

In exceptional circumstances we may consider a management transfer (management move) to safeguard a NFDC tenant. Further information is available in the Council's [scheme of allocation](#)

Any management transfer will be considered under our management transfer procedure.

# Looking after Witnesses and Victims

The Council will rely on the evidence provided by witnesses, who are often in vulnerable situations. In cases where Court action is necessary to stop the ASB or protect those who experience it the Council commits to looking after witnesses, and we will consider the witnesses' circumstances and their family situation.

The Code of Practice for Victims of Crime in England and Wales, November 2020 defines a victim as:

“a person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence;  
a close relative (or a nominated family spokesperson) of a person whose death was directly caused by a criminal offence.

A victim is also a witness.”

We will support victims by:

- Maintaining regular contact.
- Discussing each stage of the legal process.
- Making it clear that in some cases they will need to be prepared to give evidence or attend court in some form.
- Referring them to Victim Support.
- Sharing information with Police and Community Safety following consent from the complainant/ victim.
- Seeking advice on whether it is possible to obtain an injunction.
- Liaising with the Police around any bail conditions.
- Offering pre court visits.
- Ensuring transport is available to take them to court.
- Paying for childcare if appropriate.

We will ask victims to:

- Remain in contact with the Council whilst their report is being investigated.
- Keep to the actions agreed in any Action Plan with the Council.
- Be willing to attend court or provide evidence in some form for their case to be progressed.

# Closing reports under our ASB commitments

Reports relating to ASB will need to be evidenced. Without evidence it is unlikely that any case can be investigated and will therefore be closed.

Cases may also be closed when:

- The ASB has stopped or is resolved.
- There is insufficient evidence to act, including the failure to return logs / or engage in evidence gathering when requested by the Council.
- The report is withdrawn.
- Reports are no longer being received or no contact from party 1 has been made in the last 4 weeks.
- Party 1 or 2 have moved.
- The behaviour cannot be reasonably classed as ASB, or the report has been assessed as low impact or parties will not try another approach, such as mediation. (these reports may be actioned under of Good Neighbourhood Management commitments

The decision to close a case will be discussed, and ideally agreed with Party 1.

The decision to formally close a case will be provided in writing to both parties and include advice and steps to take should the report restart.

Although a new report will be opened all the information from their previous report will be held on file, for a designated period, and will be referred to as necessary.

# Partnership working

MHCLG's Regulatory Framework, under the Neighbourhood and Community Standard, requires registered housing providers to co-operate with relevant partners to help improve social, environmental and economic wellbeing in their areas and to work in partnership with other agencies to prevent and tackle ASB in the neighbourhoods where they own homes.

Criminal matters should be reported to Hampshire Police. NFDC will work with the Police to support any investigations.

The Council has strong working relationships and links with agencies and services that support the needs of our residents when tackling the causes and effects of ASB. Our range of partners is wide.

Our partners include:

- The Council's Community Safety Team
- The Council's Environmental Protection Teams
- Hampshire Police
- Probation Service
- Housing Associations
- Youth Offending Team
- Hampshire Childrens and Adults Social Care
- NHS Mental Health Teams
- Schools
- Victim Support

We work with our partners in a variety of ways to tackle ASB, including regular meetings and other joint working arrangements under the Safer New Forest Partnership.

Of equal importance is our work with residents, resident groups and Tenant Engagement Service to look at ways to prevent, identify and resolve ASB using a variety of methods including supporting resident led projects, estate meetings, estate inspections and the provision of diversionary activities.

# Confidentiality and information sharing

We can only tackle ASB effectively by working with our partners and a key element of this approach is the sharing of information in accordance with the Council's statutory obligations under the Data Protection Act 2018 and the General Data Protection Regulations. All tenants will be made aware of how their personal information will be processed. Information recorded on the Council's system and on tenants' files will be shared with other agencies as necessary.

A copy of the Privacy Notice is found here: [www.newforest.gov.uk/privacy](http://www.newforest.gov.uk/privacy)

## Monitor and review

This policy will be subject to regular review and amendment when necessary to accommodate new legislation, guidance, or local needs.

The Strategic Director for Housing and Communities has authority to make amendments in consultation with the Portfolio holder for Housing.

This policy will be available on the council's website at [www.newforest.gov.uk](http://www.newforest.gov.uk)