



HARASSMENT POLICY

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1. Introduction

- 1.1 Calvay Housing Association believes that we all have a right to live our lives in peace and dignity. Harassment should not be confused with neighbour disputes, general nuisance, vandalism or other forms of anti-social behaviour as these types of behaviour usually involve two parties arguing over a practical problem such as a boundary, children's behaviour, noise, etc. or by people who don't care who suffers as a result of their actions. Harassment is seen as ongoing violence, which may be verbal or physical, and is aimed at a specific person, household or group of people purely on the basis of a factor such as race, colour, religion, sex, sexual orientation, age or disability. This policy aims to clarify the Association's stance on harassment and provide clear guidelines as to the manner in which any reported incidents are recorded and dealt with.
- 1.2 Harassment can affect all residents, staff and contractors of the Association. Action will be taken against residents who harass their neighbours, their neighbours' visitors, our staff or contractors. Similarly, staff that harasses residents, their colleagues or contractors will be subject to the Association's disciplinary and grievance procedures and our dignity at work and code of conduct policies. Contractors who harass residents or staff may have their contract with us terminated. The central focus of this policy however, is on the conduct of residents and their visitors.
- 1.3 The Association also has a separate policy and procedural guidance on dealing with anti-social behaviour and the harassment policy is therefore an extension of the anti-social behaviour policy and related documents.

2. Legislation and Good Practice

- 2.1 The Equality Act 2010 (EA) legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it is unlawful to treat someone. Before the Equality Act 2010 came into force there were several pieces of legislation to cover various types of discrimination, including:
- Sex Discrimination Act 1975 and as amended
 - Race Relations Act 2000 and as amended
 - Disability Discrimination Act 1995 and as amended
 - Human Rights Act 1998 and the Harassment Act 1997
- 2.2 The **characteristics** that are protected by the Equality Act 2010 are:
- age
 - disability
 - gender reassignment
 - marriage or civil partnership (in employment only)
 - pregnancy and maternity
 - race
 - religion or belief
 - sex

- sexual-orientation
 -
- 2.3 In relation to housing specific legislation, The Housing (Scotland) Act 2001 gives Scottish Ministers, local authorities and registered social landlords (RSL's) a duty to encourage equal opportunities and meet equal opportunities requirements when carrying out their housing functions.
- 2.4 The Association's Scottish Secure Tenancy Agreement prohibits any form of harassment. See Section 3 Respect for Others, paragraph 3.3 which states:-
- '... you, those living with you, and your visitors must not:*
- harass or assault any person in the house, or neighbourhood, for whatever reason. This includes that person's race, colour or ethnic origin, nationality, gender, sexuality, disability, age, religion or other belief, or other status; '*
- 2.5 Section 31 of the Housing (Scotland) Act 2010, relates to the Scottish Social Housing Charter which set the standards and outcomes that all social landlords should aim to achieve when performing their housing activities, e.g.
- Outcome 1: Equalities – 'Social landlords perform all aspects of their housing services so that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services'.*
- Outcome 6: Neighbourhood and Community – 'tenants and other customers live in well-maintained neighbourhoods where they feel safe'.*
- Outcome 11: Tenancy sustainment - tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations.*

3. Definition of Harassment

- 3.1 Harassment is unwanted and unwarranted conduct which has the purpose or effect of:-
- violating the other person's dignity, and/or
 - creating an intimidating, hostile, degrading, humiliating or offensive environment for others.
- 3.2 Harassment may take the form of:-
- Verbal abuse:- where threatening, abusive or insulting words or behaviour are used with the intention of harassing, alarming or distressing. This can include nuisance telephone calls or the distribution of inflammatory material.
- Physical abuse: -this is defined as a common assault and occurs where the perpetrator uses a degree of force, whether intentional or through

carelessness, to the body of another person, without lawful excuse.

Damage to property:- this covers a wide range of behaviour, including graffiti, damage to property, rubbish and excrement dumped in gardens, substances being put through letter boxes or thrown at doors and windows.

Hate incidents:- any incident perceived to be motivated by prejudice or hate. This list is not exhaustive but merely provides examples of various manifestations of harassment.

Categories of Harassment:- this may include Racial Harassment, Domestic Abuse, Religious or Sectarian Harassment, Transphobic Harassment and Harassment of disabled people, including those with a learning disability.

4. Policy Statement

- 4.1 The Association views harassment on any grounds as having the potential to interfere with a tenant's peaceful enjoyment of their home and will take a positive and supportive approach to all people seeking help and advice to rid themselves of the fear and insecurity that can arise from such harassment.
- 4.2 Whilst this Policy is intended to assist staff in dealing with incidents of reported harassment, the Association will promote a zero tolerance approach and also take preventative steps where possible to overcome harassment.
- 4.3 Tenants will be advised and reminded of the need to have regard for their neighbours and not cause any undue nuisance or annoyance, including harassment, e.g.
 - (i) when signing their Tenancy Agreement
 - (ii) when explaining the Good Neighbour Policy
 - (iii) at the new tenant's settling-in visit
 - (iv) via articles in the Association's newsletter, etc.

5. Policy Aims and Objectives

- 5.1 The aims and objectives of this Policy are to ensure:-
 - (i) compliance with all legal and good practice guidance
 - (ii) incidents of harassment are sensitively handled
 - (iii) staff are trained to ensure investigations are thorough and balanced
 - (iv) victims of harassment receive clear advice and are consulted at all stages in regard to any actions the Association may propose to take
 - (v) the Association works in partnership with other agencies to create an environment which encourages community harmony
 - (vi) victims of harassment are offered practical support to protect them

from further harassment, and identify and take action against the perpetrators of harassment.

- (vii) regular monitoring of our response to incidents of harassment to ensure complaints are dealt with quickly and effectively.

6. Victim Centred Approach

- 6.1 The Association will operate a victim-centred approach and will implement the Harassment Policy when the problem is perceived by the victim as one of harassment and/or there is evidence of harassment.
- 6.2 The Association will make every effort to ensure that victims of harassment are aware of their rights and the remedies available to protect them. The support and advice of community groups and other agencies will be sought to enable an effective response.
- 6.3 In conjunction with the victim the Association will consider all the evidence and information available and taking account of the wishes of the victim will pursue an appropriate course of action.
- 6.4 Although the Association will endeavour not to proceed with any action against the victims' wishes, criminal behaviour or risks to other people's safety will take priority.
- 6.5 The Association will seek to identify one member of staff to act as the liaison officer and contact for victims in order to provide consistency, build confidence and minimise distress.
- 6.6 The Association recognises that victims of harassment may feel that a safe environment cannot be provided and may wish to move from the property and/or area, whilst the Association conducts its investigations. Each case will be dealt with on its merits based on the evidence it is possible to gather.
- 6.7 Where rehousing is considered necessary, permanent accommodation may be offered in line with the Association's Internal Transfer Policy and the level of priority awarded will be dependent on all the circumstances. Where the Association is unable to directly provide either emergency or permanent rehousing to the victim, it will liaise with other landlords and housing providers to try to secure alternative accommodation away from the area in which the harassment was taking place, as appropriate. Where the tenant fears their safety may be compromised, staff will assist to seek temporary homeless accommodation through the Glasgow City Council Homeless Casework Team.

7.0 Perpetrators

- 7.1 Harassment on any grounds is a serious breach of the tenancy agreement and firm action will be taken against any tenant of the Association perpetuating harassment as defined by this Policy. The Association will where required, pursue all legal remedies against such perpetrators, including Acceptable Behaviour Contracts (ABC), Unacceptable Behaviour Notices (UBN), interdicts, prosecution for criminal damages and seeking compensation from the perpetrators. Eviction will also be pursued where deemed appropriate and there is sufficient evidence to do so.
- 7.2 The aim of taking action against the perpetrators is to provide a secure environment not only for the victim to live in but also to protect the interests of other residents who could be at risk of similar harassment. It will also demonstrate the Association's determination not to tolerate any form of harassment.
- 7.3 Where the perpetrator of the harassment is not a Calvey tenant, the Association will contact their solicitors and/or Community Relations Unit for advice on what civil action can be taken against the perpetrators. However, no action will be taken without firstly consulting with the victim and taking their wishes into account.
- 7.4 Where a crime has been committed and the person wishes to pursue the matter, the Police will be contacted immediately since delay may prejudice the outcome of criminal procedures.
- 7.5 The Association will give support to any tenant taking civil action or where criminal action has been taken, because of harassment, or to any occupier where the harasser is the Association's tenant, subject to approval by the Operations Sub Committee.

8. Initial Report

- 8.1 All reported incidents will be recorded in the Association's complaints module on SDM. The need for any specialist assistance, e.g. interpreter or other support worker to be involved will be ascertained at this stage.
- 8.2 Incidents can be reported verbally or in writing either by post or email. Reports from a third party should also be investigated.
- 8.3 Initial information gathered will include:-
- (i) Complainants name and address
 - (ii) Brief details of the incident including date, time and place
 - (iii) Whether the perpetrator is known
 - (iv) Details of any witness
 - (v) Whether there have been previous incidents
 - (vi) Whether the police have been informed
- 8.4 Any repairs, including removal of graffiti and securing the property, arising as a result of harassment will be treated as an emergency. Where appropriate, additional security measures may be taken. Any costs incurred by the Association will be recovered from the perpetrators, where they are known,

with legal action being taken to recover these costs where necessary.

9. Investigating the Complaint

- 9.1 All reported incidents will be investigated by means of an interview with the victim in the office, or at their home if requested and if appropriate, normally within 1 working day. The Property Services Officer (PSO) will carry out a detailed investigation to establish the facts, with photographic and/or other evidence being gathered as necessary.
- 9.2 If the incident appears not to be an isolated one then the tenant should be given a diary sheet to record any further incidents. They should also be encouraged to report these incidents to the PSO.
- 9.3 Where the incident is of concern, the Police should be contacted immediately and the tenant advised to inform the Police of any further incidents. This not only acts as a safeguard for the tenant, but also provides a record for the Association's purposes should further action need to be taken.
- 9.4 External agencies should be contacted to add strength to the reports given and to mobilise any support networks, which may be welcome.
- 9.5 A follow-up visit should be made to the tenant within five working days of the incident if the tenant has not been in contact with the Association. The follow-up visit is intended to offer continued support and identify whether the incident has been repeated or the matter seems to have been resolved.
- 9.6 If the perpetrator is a tenant of the Association they must be invited to attend an interview with the PSO within three working days to discuss the complaint. Their comments should be noted on the complaints diary in SDM. Witnesses should also be contacted and discussions with them must also be noted.
- 9.7 If the report appears to be an isolated incident the perpetrator should be sent a warning letter and advised that legal action will be taken if there are further incidents.
- 9.8 In situations where the perpetrator is not a tenant of the Association, the Association may contact its lawyers for advice as to what civil action could be taken against the perpetrator and support the victim accordingly.
- 9.9 If the harassment proves to be unresolved and prolonged, the matter should be referred to the Association's lawyer to take further action.
- 9.10 Throughout all the above procedures the victim should be kept fully informed of the steps being taken to resolve the matter, anticipated timescales, unforeseen problems, etc. and reminded that any further incidents must be promptly reported to the office..
- 9.11 If the perpetrator is not an Association tenant then the PSO will ensure that steps are taken to contact the perpetrator's landlord if appropriate and that the Police are provided with written notification of the details of the incident. Steps should also be taken to alert Social Work and other appropriate

organisations to the incident, as appropriate.

- 9.12 Full use should be made of local Victim Support agencies and the Community Relations Unit where appropriate, to provide appropriate advisory support.

10. Confidentiality

- 10.1 All personal information provided to the Association during the course of investigating a complaint of harassment will be treated with the strictest of confidence. Any reports made to Committee will be anonymous unless the victim specifically gives permission for their identity to be given.
- 10.2 No personal details will be disclosed to any other body or person other than those mandated by the tenant or allowed under the Association's Data Protection Policy or the Data Protection Act 1998.

All information provided by complainers, witnesses or alleged perpetrators during the course of any harassment investigation will be treated in strict confidence and will only be discussed with other parties with the individual's (or their appointed representative's) prior consent.

The Association will comply with the Data Protection Act 2018 and the General Data Protection Regulation in relation to all personal information held.

The GDPR includes the following rights for individuals:

- What personal data we hold about them;
- The purposes of the processing
- The categories of personal data concerned
- The recipients to whom the personal data has/will be disclosed
- How long we intend to store your personal data for
- If we did not collect the data directly from them, information about the source
- The right to have incomplete or inaccurate data about them corrected or completed and the process for requesting this
- The right to request erasure of personal data (where applicable) or to restrict processing in accordance with data protection laws, as well as to object to any direct marketing from us and to be informed about any automated decision-making that we use
- The right to lodge a complaint or seek judicial remedy and who to contact in such instances

If a tenant wishes a copy of relevant personal information which the association holds about them, subject access requests can be requesting in writing to the Association and we will respond within one month of this request. Further information regarding how we process your data can be found on our website along with a Subject Access Template.

11. Access to Personal Information

- 11.1 Under the Data Protection and Access to Information legislation, tenants have the right to request access to information pertaining to their tenancy and/or former tenancy. Requests for access will be processed in line with the Association's relevant policy and procedures.

12. Role of Committee

- 12.1 Committee will be concerned with the overall strategy and policy to be adopted in relation to harassment and with monitoring performance in order to gauge the level of success in achieving safer and sustainable communities.

13. Monitoring and Reporting

- 13.1 The Operations Sub Committee will be advised on a quarterly basis of any harassment cases the Association has received and what action is being taken.
- 13.2 An effective system of recording and monitoring cases will enable the Association to identify trends in racial harassment in particular areas and enable positive preventative action to be taken through allocations and liaison with Police and community groups.

14. Complaints Procedure

- 14.1 Any tenant, who feels that a complaint lodged, or made against them, has been handled inappropriately, can make a formal complaint via the Association's Complaints procedure.
- 14.2 Copies of the Complaints Procedure are available from the Association's offices upon request, or can be downloaded from our website, free of charge.

15. Review

- 15.1 This policy will be reviewed 3 years from the date of approval, or sooner should the need arise due to changes in legislation or good practice.

CROSS REFERENCE

Anti-social Behaviour & Neighbour Disputes Policy and Procedures
Tenancy Agreement
Tenants Handbook
Complaints Procedure
Equal Opportunities Policy

