



TOLLCROSS
housing association

Tollcross Housing Association Policy

Name of Policy
Harassment

Scottish Housing Charter Outcomes

Equalities

Communication

Neighbourhood and Community

Tenancy Sustainment

Date approved

30th March 2015

Date for review

30th March 2018

Responsible Officer

**Director of Housing
Services**

Tollcross Housing Association will provide this policy on request at no cost, in large print, in Braille, on tape or in other non-written format, and in a variety of languages.



Content:

- 1: Principles, Aims and Objectives
- 2: Legal and Regulatory Framework
- 3.: Dealing With Harassment
- 4: Dealing with Racial Harassment
5. Performance Monitoring
6. Role of Committee
7. Complaints
8. Equal Opportunities
9. Confidentiality
- 10 Links with other policies
11. Review and Consultation

1. PRINCIPLES, AIMS AND OBJECTIVES

Definition of Harassment

- Harassment is a form of anti-social behaviour.
- It is unacceptable behaviour that is unwanted, unreciprocated and regarded as offensive by the recipient, whether or not the harassment intended it to be offensive.
- The behaviour is often targeted at a particular individual or family based on disability, mental health, race, religion, sex, sexuality, nationality, HIV status or vulnerability.
- It can include bullying, unwelcome attention, insensitive jokes, threats, verbal abuse, physical violence, damage to the property e.g. graffiti or vandalism.

Principles

The Association considers any form of discrimination or harassment to be unacceptable.

The policy assumes that dealing effectively with harassment is based on the following assumptions –

- Prevention and early action.
- We will always assume harassment has occurred while we are investigating the facts.
- Harassment can take many different forms. We will deal with each alleged incident appropriately.
- Victims should be supported.
- The confidentiality of victim and perpetrator should be maintained.
- All reported incidents should be recorded and monitored.
- We should work closely with the Police and other agencies.

Aims

Our policy applies to our tenants and sharing owners, their families, other occupants and their visitors who may either be the victim or perpetrator.

The main aim of the policy is to minimise harassment of and by our tenants and to deal effectively with harassment.

Objectives:

The Association will deal swiftly and appropriately to all reported incidents of harassment

and will not discriminate against anyone on the grounds of civil partnerships, race, colour, ethnic or national origin, disability, religion, age, sexual orientation, marital status, civil partnerships, family circumstances, employment status or physical ability.

We will offer customers a range of options for communicating with us and will provide additional support and assistance to any of our customers who require it. We will also make use of our Anti-Social Behaviour policy and procedures in situations where complaints of harassment have been made and it is appropriate to do so.

2. LEGAL AND REGULATORY FRAMEWORK

Tollcross Housing Association is committed, in the adoption and implementation of this policy by meeting all legal and statutory requirements outlined by the Scottish Housing Regulator in the aforementioned charter outcomes.

- The key Legislation that applies to this policy is the Sex Discrimination Act 1975, Race Relations Act 1976, Disability Discrimination Act 1995, Human Rights Act 1998 and the Harassment Act 1997.

3 Dealing with Harassment

3.1 Prevention and early action

3.1.1 Building Homes and Communities

- We will work with the community and partner agencies to combat negative discrimination within our communities.

3.1.2 Allocating Houses

- We will never allocate an applicant in an area where they say they will be under threat of harassment (unless legally obliged).

3.1.3 Signing up Tenants

- We will highlight to tenants at the sign up stage, the behaviour that is expected of them/and visitors to their tenancy as detailed in the tenancy agreement

3.1.4 Early Action

- We recognise that an initial neighbour dispute or low-level harassment can develop into more serious harassment. We will therefore try to resolve these cases as quickly as possible.

3.2 Assume harassment has occurred

- We will adopt a complainant-centred approach and assume that harassment has occurred while we are carrying out our investigations.
- We will advise the complainant if our investigations lead us to believe that there is insufficient evidence of harassment.
- In recognition of the Stephen Lawrence enquiry report, section 7 of this policy deals specifically with racial harassment. We will assume that any incident that the victim perceives to be racial is indeed racially motivated, unless there is clear evidence otherwise.

3.3 Forms of Harassment

3.3.1 We recognise that harassment can take different forms and focus on different aspects of the victim (e.g. sex, mental health etc).

3.3.2 The Association will deal most quickly with: -

- The severest forms of harassment and,
- Harassment directed at more vulnerable people.

3.3.3 The Association will therefore categorise harassment as follows-

Category One – Initial incident, low-level name calling etc

Category Two – Threatening or abusive behaviour, vandalism

Category Three – Assault, violence, serious harassment

3.3.4 We will generally treat harassment as category two. The Association may also treat an incident as higher category if the victim is perceived to be vulnerable or the incident appears likely to escalate quickly.

3.3.5 The targets for dealing with each category of complaint are detailed in the Association's Anti Social Behaviour Policy

3.3.6 Decide on action to be taken within 5 working days of receiving complaint.

3.3.7 The Association will take proportionate action if it deems there is evidence of harassment. This could include: -

- Explaining the implications to the perpetrator,
- Offer a mediation service
- Warning to perpetrator
- Monitoring
- Removal of offensive graffiti
- Legal action (ASBO etc)
- Acceptable Behaviour Contract
- Assisting identifying options for a transfer for the victim
- Referring to another agency e.g. Police, Glasgow City Council Community and safety Services.

3.3.8 The Association will take action, including eviction against its tenants even if the victim is not a tenant of the Associations.

3.3.9 The wishes of the person experiencing the harassment will be paramount. The Association will not normally approach the alleged perpetrators without the victim's consent.

3.4 Providing Victims with Support

3.4.1 Association staff will provide complainants with support by ensuring they are kept informed of: -

- Actions being taken,
- Progress with the investigations,
- Options available regarding future action,
- Other Support Agencies e.g. Victim Support or Positive Action in Housing.

3.4.2 The Association's allocations policy awards housing needs points to people (including those that are not currently tenants of the associated) who are suffering harassment.

3.5 Recording and Monitoring Incidents

3.5.1 Incidents can be reported verbally or in writing. We will provide access to translation services if required and will interview complainants in private.

3.5.2 We will ensure all staff that may receive complaints of harassment is trained in dealing with reports. The officer will record all complaints on an incident form and advise the complainant of action that will be taken.

3.5.3 The Director of Housing Services will report each quarter to the Management committee and monthly to the operations Sub Committee with the number of incidents and action taken. These will be incorporated into the anti social statistics and will be reported by detailing:

- Category of case (1,2 or 3)
- Whether it has been resolved within timescales

3.6 Working with other Agencies

3.6.1 Association staff will work with other agencies to: -

- Ensure appropriate support for the victim (e.g. victim support etc)
- Assist the victim reporting the incident (see below for reference to 3rd party reporting of racial harassment cases)
- Take appropriate action against the perpetrator (e.g. Police)

4 Dealing with Racial Harassment

- 4.1** Reports of racial harassment will generally be dealt with in accordance with the harassment policy. We believe racial harassment is particularly insidious and is under-reported; we will therefore display posters and leaflets encouraging residents to report incidents.
- 4.2** The Association also accepts recommendations of the Stephen Lawrence enquiry report and accepts that any incident perceived by the complainant to be racist, is racist unless this is clear evidence to prove otherwise.
- 4.3** All incidents of racial harassment will be treated as being at least category two severities.
- 4.4** We will produce posters and leaflets in the most commonly used ethnic minority languages and ensure that we have access to translation services for all these languages.
- 4.5** We will immediately instruct the removal of any racist graffiti on our property and record or photograph it before it is removed.
- 4.6** We will analyse the level of reported incidents. This, or other evidence [including anecdotal], may suggest there is a trend in racial harassment incidents increasing in number and/or severity. Where this occurs the Association will work with other agencies and the community to improve relations between all sections of the community and to root out harassment.

5. Performance Monitoring

In order to judge the success of this policy, Tollcross HA operates a system that monitors and measures performance. The following points details how this is achieved:

- 5.1** Performance targets and timescales will be set for staff in progressing harassment cases through the anti social behaviour Policy.
- 5.2** Reports will be produced to assist in measuring performance against targets and will allow comparison of results on a month to month and year on year basis indicating trends and highlighting where performance requires to be investigated and addressed. These reports will also be provided on a quarterly basis to the Association's management committee and the monthly operations sub committee.
- 5.3** The Association's performance will also be monitored against derived information from other organisations through possible benchmarking arrangements and comparisons of performance statistics reported by the Scottish Housing Regulator.
- 5.4** Collectively, Housing Managers will be responsible for ensuring the Association's Harassment policy objectives and overall targets are being achieved. They will be required to introduce improvements in the operation of the harassment/anti social behaviour procedures if possible or necessary or in line with legislative changes or good practice guidelines.
- 5.5** Periodic audits of the Harassment/anti social behaviour procedures will be carried out, to assess performance and check compliance with policy, and good practice highlighting areas which may need to be addressed.

6. Role of committee

- 6.1** Committee Members will be concerned with the overall strategy and policy to be adopted in relation to Harassment. They will monitor performance in Harassment in order to achieve safer and sustainable communities.

- 6.2** Monthly, Quarterly and Annual statistical reports on Harassment/anti social behaviour will be presented to the Management Committee and the Operations Sub-Committee. The content of these reports and the amount of detailed information provided will reflect the Association's standing orders and scheme of delegated authority between the Committees.
- 6.3** In accordance with the scheme of delegated authority Committee Members will be responsible for:
- Reviewing and approving the Harassment Policy
 - Considering and implementing as appropriate recommendations made by the Performance Monitoring groups
 - Scrutinising and monitoring performance in Harassment complaints
 - Comparing the Association's performance against targets and the performance of peers.

7 COMPLAINTS

- 7.1** Any tenant who feels aggrieved by the service they have received from staff in carrying out their responsibilities in relation to this policy can make an informal or formal complaint to the Association.
- 7.2** All complaints will be fully investigated in accordance with the Association's Complaints Policy. A written guide on the complaints process is readily available to customers on request and is on display in the reception area of the office.
- 7.3** Any tenant making a complaint will be advised of their right to complain to the Scottish Public Services Ombudsman.

8. Equal Opportunities

- 8.1** The Association will seek to ensure that in implementing this policy and its associated procedures, no group, organisation or individual will receive less favourable treatment or be discriminated against regardless of their race, colour, ethnic or national origin, sex, marital status, disability, sexual orientation, religion, age or other grounds.

9. Confidentiality



- 9.1 Tollcross HA will comply with the requirements of the Access to Personal Files 1987 and the Data Protection Act 1998 and our Openness & Confidentiality Policy in implementing this policy.

10 LINKS WITH OTHER POLICIES

- 10.1 This policy necessarily links with the Anti Social Behaviour Policy.

11. Review and Consultation

- 11.1 The Association will formally review this policy at least every three years. A review within this period may however be carried out as required to make amendments due to legislative changes, performance requirements or changes to the Association's Standing Orders and delegated authority to Committees and to the Management Team. The Policy will be put out to consultation during this review process, and all feedback will be considered prior to implementation.

Fiona Mills
Housing Manager
March 2015

