

HFI Policy

Harassment

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1.0 Introduction

- 1.1 HFI values equality and social justice and condemns all forms of harassment and intimidation towards people who we serve. This policy has been produced to ensure that complaints of harassment by HFI tenants and leaseholders are dealt with quickly, sensitively and effectively and are adequately recorded.
- 1.2 HFI will endeavour to tackle harassment and other forms of antisocial behaviour; and we aim to provide support to victims to enable them to remain in their homes. Moving victims of harassment will normally be as a last resort when all other actions have been exhausted, or when the situation requires an immediate move; however alternative accommodation is likely to be temporary.

2.0 Scope, definitions and related policies

- 2.1 This policy applies to HFI service users who are, or could be, victims of, or affected by, harassment. HFI staff, particularly in housing management, are responsible for following this policy and the associated procedures.
- 2.2 Any other complaints from service users that do not fall under the above definition are not within the scope of this harassment policy and will be dealt with under the standard procedures for dealing with complaints. Staff are advised that there is a separate procedure for dealing with Domestic Violence and also for managing other forms of antisocial behaviour (see the list of documents for cross-referencing below).
- 2.3 HFI has a separate policy for dealing with harassment experienced by its employees who should refer to the Bullying and Harassment Policy or Grievance and Disciplinary Procedures.

- 2.4 The definition of harassment that HFI has adopted is derived from an extension of the Inquiry into the murder of Stephen Lawrence and is also based on 'victim perception'. This means that HFI will use these policies and procedures to record and where possible, respond to and investigate any complaint where the victim believes that they are being harassed (for a list of the types of grounds that individuals or groups may be harassed, please refer to HFI Guidance Notes on Harassment).
- 2.5 Harassment is deliberate action designed to intimidate or offend as well as cause fear and distress to victims. Harassment is action targeted at certain groups or individuals based on the prejudices of others; examples of these prejudices include:

| | | |
|------------------------|------------------------------|----------------------------|
| Age | Disability | HIV/AIDS |
| Race/ethnicity | Religious Belief | Gender |
| Sexuality | Learning Difficulties | Maternity/pregnancy |
| Gender reassign | Other Vulnerabilities | |

Harassment can also be action targeted at a person because they associate with someone who has one of the above protected characteristics, e.g. a person being harassed because their son is gay, or because they are perceived to have one of the above characteristics.

- 2.6 Harassment may be deliberate but it doesn't have to be. A person may be causing harassment even if they do not mean to or do not realise they are doing so.

3.0 Legal and regulatory framework

- 3.1 HFI will recognise and respond to its legal duties and obligations under legislation relating to harassment. Relevant areas of law include:

- Equality Act 2010
- Anti Social Behaviour Act 2003
- Crime and Disorder Act 1998
- Data Protection Act 1998
- Housing Acts 1985 & 1996
- Human Rights Act 1998

- 3.2 The Equality Act 2010 replaces previously relevant legislation including the following:

- Disability Discrimination Act 2005
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Age) Regulations 2003
- Race Relations Act 1976

3.3 Please refer to HFI Guidance Notes on Harassment for further reading and information some of the legislation referred to in this policy.

4.0 Equality and Diversity

4.1 The policy aims to ensure that HFI will deal with all forms of harassment against its service users including harassment on the grounds of race, age, gender, disability, religion or belief, sexual orientation, gender identity, pregnancy and maternity and marriage or civil partnership. HFI will take every course of action available to deal with alleged perpetrators of harassment on any of the above grounds.

4.2 HFI will endeavour to ensure that the needs of residents are met through the use of sensitive and flexible procedures. For example, HFI will:

- provide translation or interpretation services where we have been told that this is needed;
- arrange appointments that meet the needs of victims;
- arrange for literature to be produced in large print or other accessible formats on request;
- arrange for a female officer to attend appointments where requested.

5.0 Health and Safety

5.1 HFI recognises its responsibility for ensuring the health and safety of all its employees and will endeavour to meet its legal obligations under the Health and Safety at Work Act 1974 and any other relevant legislation. Equally, HFI expects all staff to take responsibility for their own safety and for the safety of others.

5.2 HFI recognises that the potential risk of violence and aggression towards staff in performing their duties will be high in certain instances. In order to reduce risk, staff are expected to participate in risk assessments during one to ones and personal development reviews, and to follow health and safety procedures, particularly when working outside the office.

6.0 Responsibility

- 6.1 The staff with primary responsibility for ensuring that these policies and procedures are adhered to include:
- Tenancy Management Team Leaders;
 - Tenancy Management Advisors;
 - Tenancy Management Assistants;
 - ASB Officers;
 - ASB Assistants;
 - Housing Services Managers.
- 6.2 HFI will ensure that relevant staff receive ongoing training to enable them to provide consistent, sensitive and professional support to the victims of harassment. The training and management support given to staff will empower them to take appropriate action throughout the case management process.
- 6.3 HFI will also train staff with regard to harassment awareness so that they are better equipped to identify potential harassment amongst residents and what to do to tackle it.

7.0 Policy Objectives

- 7.1 The objectives of this policy are to:
- Ensure that HFI deals with reports of harassment fairly and consistently;
 - Take a victim centred approach when dealing with cases of harassment;
 - Take reports of harassment seriously;
 - Take reasonable steps to resolve complaints of harassment;
 - Treat reports of harassment sensitively and in confidence, where appropriate;
 - Provide a responsive service within set time scales;
 - Seek permission from victims before taking action except where it is justifiable to take action without the victim's consent;
 - Take appropriate action against alleged perpetrators;
 - Provide information in Plain English and in formats that meet the needs of individuals;
 - Monitor cases in terms of equality and diversity;
 - Ensure that relevant staff receive training to enable them to carry out their duties effectively and confidently;
 - Ensure that all staff are aware of their responsibilities when faced with suspected harassment;
 - Assess the needs of vulnerable tenants to ensure that appropriate support is identified and made available;
 - Work in partnership with statutory and voluntary agencies to prevent harassment and support victims.

7.2 Service Commitments

Victims of harassment can expect:

- A member of staff to make an appointment to carry out a more detailed interview, if necessary, within five working days, or within 24 hours in urgent cases (e.g. if the incident is assessed as being at high risk);
- Repairs that occur as a result of harassment to be carried out in accordance with HFI's Repairs Policy;
- To receive a Harassment Information Sheet normally at the interview, providing details of help that is available;
- To be kept informed during the investigation;
- To receive written confirmation when their case is closed.

7.3 Monitoring

Harassment cases will be monitored using robust performance indicators. To ensure that cases are progressed and closed appropriately, housing staff are responsible for regularly monitoring cases through one to ones and, if appropriate, at team meetings.

Senior Managers and Board members will be responsible for ensuring the policy is fully implemented. In order to review the effectiveness of the policy cases of harassment will be reported at Senior Management Team (SMT) meetings on a quarterly basis; and to governing Board an annual basis.

7.4 Legal Action

HFI will consider possible legal remedies and, where appropriate, take legal action against alleged perpetrators of harassment.

Some forms of harassment can and should be dealt with under the law and HFI will seek advice to determine when legal action may be appropriate. Whilst it is HFI's policy commitment to act with the consent of the victim, the organisation will meet its statutory duties to comply with relevant legislation. This may mean passing information to relevant parties without the need for permission.

HFI will work closely with Safer Neighbourhood Teams and other relevant agencies to collect information and evidence in pursuing prosecutions for certain offences.

HFI recognises that harassment cases sometimes involve counter allegations. In such cases HFI will take action based on available evidence rather than dismissing such cases as neighbour disputes.

7.5 Multi-Agency Partnership

HFI is committed to a multi-agency approach to combating harassment. HFI has signed a joint protocol with London Borough of Islington, relevant agencies and registered social landlords operating in the borough. Furthermore, in accordance with the Crime and Disorder Act 1998, section 115, HFI will also work jointly with the police and other relevant forums to enable information to be exchanged between agencies.

HFI believes that external agencies such as housing organisations, community sector organisations and other statutory and non-statutory agencies have a crucial role in combating harassment, by providing vital support services for victims and dealing with alleged perpetrators. We will continue to work with these agencies in order to fulfil the requirements of our Harassment Policy and Procedures.

7.6 Prevention of Harassment

HFI will publicise the Harassment Policy, making it available in other formats as appropriate. Tenants and leaseholders will be informed that they will be in breach of their tenancy conditions or lease agreements if they cause harassment and that HFI may take action against them including legal action where appropriate.

7.7 Re-housing

HFI believes that moving victims should be considered as a last resort and, where appropriate, legal action should be taken against known alleged perpetrators. In cases where victims are not able to remain in their property HFI will carry out an assessment and, where appropriate, provide alternative accommodation. Transfer applications approved due to harassment will be awarded a high priority to help victims move quickly. Once approved, applicants will be expected to bid for suitable accommodation, and the bidding activity will be monitored regularly. The points award will be reviewed as part of the monitoring process, with the option of increasing or removing points accordingly.

Depending on the circumstances HFI can work with the Safer Neighbourhood or the Crime Prevention teams to request extra security improvements to help victims to remain safely in their homes; these include fire proof letter boxes, smoke detectors and door viewers.

7.8 Service Improvements

In order to improve our service to victims and as part of the case closing process HFI will ask victims of harassment what they thought of the service they received. This will be achieved by using satisfaction questionnaires or other appropriate methods.

7.9 Vulnerable Perpetrators

HFI recognises that under the Disability Discrimination Act 2005 (succeeded by the Equality Act 2010) some alleged perpetrators of harassment might themselves be vulnerable due to mental illness, for example. In such instances, it may be appropriate to work closely with those tenants, their families, and other partners such as Social Services, to help and support vulnerable tenants, both to comply with their conditions of tenancy, or lease agreement, and to maintain their independence.

Enforcement action, including eviction, will be considered and executed as a last resort, for example, to safeguard other tenants including the alleged perpetrator.

8.0 Appeals Process

8.1 Anyone wishing to appeal against HFI's decision relating to their complaint of harassment can do so by writing to the Area Housing Office that provides services to the area where they live.

9.0 Further Reading

9.1 For further information and guidance on harassment and other forms of anti-social behaviour, the following documents can also be referred to:

- Harassment Procedures (for Staff);
- Harassment Guidance Notes;
- Harassment Factsheet;
- Anti-social Behaviour Procedures;
- Workplace Bullying and Harassment Policy (for Staff);
- Domestic Violence Procedures;
- Grievance & Disciplinary Policy (for Staff);
- Witness Support Policy;
- Transfer Policy.

10.0 Review Period

10.1 This policy will be reviewed periodically in order to ensure it remains relevant and up to date. The suggested review period is every three years or as required by regulatory or legislative changes.