Version 2

Housing Management

Harassment

Scope:	This policy applies to Circle 33 Housing Trust, Commercial and Leasehold, EPIC Trust, Invicta Telecare, Mole Valley Housing Association, Old Ford Housing Association, Roddons Housing Association, Russet Homes, South Anglia Housing, Wherry Housing Association
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Signed Off :	Group Policy Forum, 25th June 2009
Author:	Abi Patience, Policy Officer
Policy Owned by:	Policy
KLOE:	Tenancy and Estate Management
QAF (Supported Housing):	None
Statute:	Housing Act 1985, 1988, 1996 and 2004, Antisocial Behaviour Act 2003, Protection from Harassment Act 1997, Crime and Disorder Act 1998, Public Order Act 1986, Police Reform Act 2002, Violent Crime Reduction Act 2006, Police and Justice Act 2006, Homelessness Act 2002, Data Protection Act 1996, Disability Discrimination Act 1995 and 2005, Race Relations Act 1976 and 2000
Regulatory Code:	3.5

Harassment

1 Scope

1.1 This policy applies to all Circle Anglia group partners including:

- Circle 33 Housing Trust
- Commercial and Leasehold
- EPIC Trust
- Invicta Telecare
- Mole Valley Housing Association
- Old Ford Housing Association
- Roddons Housing Association
- Russet Homes
- South Anglia Housing
- Wherry Housing Association

1.2 It sets out our commitment to tackling harassment experienced and perpetrated by our residents. It also includes how we will deal with hate crime.

1.3 This policy is closely related to the Antisocial Behaviour policy. Harassment and Antisocial Behaviour cases often merit similar interventions, and an antisocial behaviour case may include elements of harassment. These two policies and procedures should therefore be used in conjunction as appropriate. In dealing with harassment cases we will abide with all of the requirements set out in our antisocial behaviour policy.

1.4 In addition there is a separate Domestic Abuse policy.

1.5 Complaints about the behaviour of staff or contractors will be taken forward through the Complaints policy and procedure.

1.6 This policy does not cover situations where staff suffer harassment from other staff, or from someone who is unconnected with Circle Anglia. Please see the HR policies on Fairness and Dignity at Work, and Bereavement and Compassionate Leave for guidance about these situations.

2 Policy Statement

2.1 Circle Anglia works to improve people's life chances through providing great homes and reliable services to residents, and through helping build sustainable communities where people want to live and work.

2.2 Harassment is against the law. We will deal promptly, proportionately, flexibly and effectively with incidents of harassment using a partnership approach, offering support to victims, keeping complainants regularly updated, and using legal remedies where necessary.

2.3 We can take action to deal with harassment perpetrated by residents regardless of their tenure, choosing appropriate response options in order to do so, and working in partnership where necessary.

2.4 We will comply with and use the following legislation as part of our harassment policy approach:

- **Housing Act 1985, 1988, 1996** and **2004** which set out tenancy rights and responsibilities, and provide powers to deal with harassment
- **Antisocial Behaviour Act 2003** which builds on the provisions in the 1996 Housing Act around antisocial behaviour injunctions, demoted tenancies and seeking possession
- **Protection from Harassment Act 1997** which prohibits harassment and provides remedies including imprisonment, civil remedies and restraining orders
- **Police and Criminal Evidence Act 1984** as amended, **Crime and Disorder Act 1998** and the **Criminal Justice and Police Act 2001** which sets out legal action that can be taken against harassment
- **Race Relations Act 1976** and **2000** which makes racist harassment illegal
- **Data Protection Act 1996** which sets out principles about use and sharing of personal information covered by the Act

3 Policy

Defining Harassment

3.1 Harassment is any deliberate attack suffered by an individual or group because of their colour, race religion, nationality, gender, sexual orientation, age, disability, or illness.

3.2 We will initially investigate any case as harassment if the victim or anyone else perceives it to be harassment. Upon further investigation, we will make a judgement on whether to continue to manage the case as harassment.

3.3 Acts of harassment include (but are not limited to):

- Discriminatory behaviour or language
- Hate crimes

- Actual or threatened violence
- Abusive or insulting words or behaviour
- Actual or threatened damage to another person's home or possessions
- Writing threatening, abusive or insulting graffiti or written material
- Behaviour that interferes with the peace, comfort or convenience of others

3.4 Harassment can occur as an isolated incident or a series of incidents. However, legal action against most types of harassment can usually only be taken where there has been a series of incidents. Legal action against hate crime can be taken after only one incident.

3.5 Behaviour that comes under the category of hate crime includes:

- verbal and physical abuse
- assaults
- criminal damage
- vandalism
- hate mail
- violence and threats of violence

3.6 Hate crime is taken to mean any crime where the perpetrator's prejudice against an identifiable group of people is a factor in determining who is victimised. Hate crime can have a devastating effect on the quality of life of its victims, those who fear becoming victims and the community, and the police are required to give it priority.

Resident responsibilities

3.7 We expect residents and their visitors to behave in a responsible way and to respect other tenants and residents in the local area. Tenancy agreements across the group contain harassment clauses which prohibit threatening or committing harassment.

3.8 Tenants are responsible for the actions of other members of their household and any visitors, and we may take action against them as a result of harassment perpetrated by any members of their household or visitors.

3.9 We encourage residents who have experienced or witnessed harassment to report it to us promptly, and to engage with us to resolve problems.

Partnership working

3.10 Successful outcomes in dealing with harassment often rely on partnership working. Our main partners in this area will be the police, local authorities, social services, support providers, and Crime and Disorder Reduction Partnerships (CDRPs) or Community Safety Partnerships (CSPs).

3.11 The police are often the most appropriate body to deal with incidents of harassment, as they have powers of arrest and criminal prosecution. We will work with them to encourage action and provide any evidence needed in support.

Data Protection and Confidentiality

3.12 The Data Protection Act 1998 set out requirements for ensuring that data about individuals is properly protected, and only shared in a lawful way. We will comply with the best practice guidance set out in the Framework Code of Practice for Sharing Personal Information published by the Information Commissioner.

3.13 Staff will at all times be vigilant to ensure that they maintain confidentiality, and do not give details of cases they are involved in or aware of to any person inappropriately. This is particularly crucial in harassment cases, where disclosure could affect the safety of a victim or complainant.

3.14 We will only disclose the complainant's identity to the perpetrator and any other parties including doctors, teachers or social workers with their explicit written permission. However, we may refer cases to social services or to the police without the permission of the complainant, where the situation justifies it.

Support for victims and witnesses

3.15 Harassment can cause significant distress to victims and witnesses. Circle Anglia will work with local agencies and community groups to help provide appropriate support for victims of harassment. We may provide this support from within the group or work with external partners or agencies.

3.16 We will refer to specialist agencies, where relevant, to provide specialist help and support. This is particularly relevant in harassment cases as many agencies have expertise in supporting victims from different racial, disability and other groups.

3.17 We will consider the safety and perception of safety of victims and witnesses,

and where appropriate we will work with partners to provide additional safety measures. We will liaise with Crime Prevention services where necessary to protect witnesses.

Staff training

3.18 All staff receive data protection training as part of their induction.

3.19 All front line staff will receive basic antisocial behaviour awareness training. This includes harassment.

3.20 Staff responsible for responding to reports of harassment and finding solutions will receive additional training, as needed. Wherever possible we will provide specialist case management training.

4 Responding to reports of harassment

4.1 Harassment can be reported by victims or witnesses by phone, e-mail, letter, in person or on our website. Contact numbers are advertised on the Circle Anglia Respect website, in the Tenant's Handbook, and in customer leaflets. Most group partners now operate a 24-hour antisocial behaviour hotline, which harassment can be reported to.

4.2 The timescales set out in this section are those agreed as a minimum standard across the group. Some group partners individually work to shorter timescales.

4.3 In general, we will respond to reports of harassment in the same way as we would respond to reports of antisocial behaviour. Further guidance on this is available in the antisocial behaviour appendices.

4.4 Where serious incidents are reported such as hate crimes we will respond faster. In these serious cases our first priority will be to work with the police to:

- Ensure the safety of the victim(s)
- Coordinate legal action taken against the perpetrator

4.5 If a case of harassment has been reported on a Friday, and fear of violence is still present, we will refer the complainant to relevant external organisations (e.g. police, local authority) to provide support over the weekend.

4.6 In standard cases we will provide an initial response to the report within 24 hours, acknowledging its receipt and informing the complainant who will be dealing with the case, and when they will next be contacted.

4.7 Staff members will be aware of the possibility of unfounded or libellous reports being made, as well as racist or other discriminatory motivations behind accusations. All such reports will be investigated, but it may be decided to close the case at an early date. Where it is considered that the complainant is in fact perpetrating harassment, we will take action accordingly. We will be sensitive about allegations against those that already feel stigmatised or victimised.

4.8 The officer responsible for the case will contact the complainant within five days of the initial report. Where there is violence or threat of violence involved we will respond more quickly. Where there are emergency repairs or discriminatory graffiti we will rectify within 24 hours of the report.

4.9 An interview with the complainant will be carried out within ten days of the report, unless we are not able to agree an appropriate time with the complainant within that timescale. Where possible and if it is practical or helpful to do so, and the complainant is happy for us to do so, we will also interview the alleged perpetrator and any other witnesses or victims. Where there is violence or threat of violence involved we will act more quickly.

4.10 Where it is evident that harassment has occurred an action plan for dealing with the problem will be finally agreed within 14 days of the initial report, or more quickly if there is violence or a threat of violence involved.

4.11 Regular review of the case and communication with the victim(s) and/or witness(es) is key to managing satisfaction levels and achieving a positive result. We will carry out an initial review of the action plan within 15 days of its creation to check the approach is still appropriate in light of any new evidence. We will phone those involved every 15 calendar days, unless the case action plan states otherwise, and review the action plan on a monthly (30 calendar days) basis. After the action plan is reviewed, if there are any changes to the approach, we will issue the updated version to the complainant within three days.

5 Tackling harassment

5.1 Circle Anglia is committed to working proactively to prevent the incidence of harassment in all of our neighbourhoods. More information about our proactive work is covered in the antisocial behaviour policy and procedure.

5.2 Where harassment does occur, we will respond quickly using powers available to us as social landlords as well as those available to our partners. We will respond quickly to all reports of harassment, recognising the potential for

escalation if immediate action is not taken. We recognise that the severity of harassment can vary widely, and where the situation merits it we may proceed straight to legal action.

5.3 Sometimes no perpetrator can be identified, or the person being harassed will not identify the perpetrator. In these instances the police can play an important role by giving warnings to possible perpetrators, and keeping a higher profile in the area. We may send out a letter or flyer to all tenants in the area, or use other means of contacting residents such as speaking to local residents associations to communicate the message that we take harassment seriously and will take action.

Low level / first report of harassment

5.4 In many cases of reported harassment our first response will be to issue a verbal and written warning to the alleged perpetrator. However, we will not send a written warning unless we have some level of confirmation that the person involved has in fact threatened or committed harassment.

5.5 Where appropriate we will work in partnership with the police who have specific powers to issue warnings:

- Juvenile reprimands and final warnings
- Police cautions and conditional cautions
- Penalty Notice for Disorder (PND)
- Harassment Warning under the Protection from Harassment Act 1997

5.6 Where the offence is repeated, but harassment is of a low level nature, we will consider working with the perpetrator to change their behaviour by developing an Acceptable Behaviour Contract (ABC).

5.7 More detail about these tools is set out in the antisocial behaviour appendices.

Ongoing / serious harassment

5.8 Where harassment is ongoing, or is of a serious nature, we will proceed directly to take legal action. We will work closely with the police to ensure that actions taken are complementary and effective. Where the police are taking criminal action we may hold off on taking any legal action ourselves, depending on the circumstances.

5.9 In general, our preferred legal remedy is a housing injunction against a perpetrator under Section 153 of the Housing Act 1996, as amended by the

Antisocial Behaviour Act 2003. In serious cases we may apply for an injunction in conjunction with applying for possession or a demotion order. We may apply for an injunction without notice where immediate action is needed. An injunction can only be sought against a perpetrator who is over the age of 18.

5.10 Where necessary we will apply for a power of arrest to be attached to the injunction. In harassment cases it is possible that the court will award damages to the victim as part of the injunction.

5.11 Under the Protection from Harassment Act 1997 a Restraining Order can be given by the court to protect a victim from harassment or fear of violence. Breach of the order can lead to imprisonment or a fine.

5.12 We may also consider applying for an interim ASBO without notice. We will only use ASBOs where it is felt that they are the most effective tool to deal with the behaviour, rather than as a standard procedure. Other agencies such as the police may also apply for an ASBO.

5.13 In particularly serious cases, for example where there have been violent attacks, or criminal activity, we will apply for possession. When we apply for possession we will follow through on it. We can use Ground 2 for secure tenancies and Ground 14 for assured tenancies. Full details about the process for ending a tenancy are set out in the Ending a Tenancy policy and procedure.

5.14 When applying for possession we may also apply for an injunction or an ASBO, in order to ensure that the behaviour does not continue in another area, or to prevent the perpetrator returning to the original area and continuing the harassment.

5.15 In severe cases, for example where physical violence has been experienced, or there is irresolvable damaging conflict between two parties, we may consider whether a voluntary move on management grounds would be appropriate.

5.16 We will get legal advice and guidance at an early stage and throughout all cases where we take legal action. Further details about legal options are set out in the Antisocial Behaviour policy, procedure and appendices.

Criminal prosecution

5.17 We will work with the police to encourage and support prosecutions of criminal activity. Appendix 1 lists the offences that can be prosecuted.

5.18 Under the Protection from Harassment Act 1997 it is a criminal offence to pursue a course of conduct:

- which amounts to harassment of another and
- which he knows or ought to know amounts to harassment of the other

5.19 Under the Crime and Disorder Act 1998, the Anti-Terrorism, Crime and Security Act 2001 and the Criminal Justice Act 2003 standard offences that are considered to be aggravated by race, religion, disability, homophobia or transphobia attract a higher penalty if:

- at the time of committing the offence, immediately before or after doing so, the offender demonstrates towards the victim hostility based on the victim's membership (or presumed membership) of a group or
- the offence is motivated (wholly or partly) by hostility towards members of a group based on their membership of that group

5.20 In addition the Criminal Justice and Police Act 2001 gives the police powers to direct a person to leave where there is reasonable grounds to believe that the presence of that person (either alone or together with that of any other persons who are also present) amounts to, or is likely to result in, the harassment of the resident of the property where they are; or is likely to cause alarm or distress to the resident. There is a maximum penalty of three months imprisonment for breach of the direction.

6 Service Standards

6.1 The same service standards that apply more generally to antisocial behaviour apply to how we will deal with harassment. These are the current group service standards, which are due for review. Some group partners work to tighter timescales than those listed here. These are minimum commitments; wherever possible we will work to faster timescales.

6.2 We will:

- Use a range of prevention measures to reduce antisocial behaviour
- Take a victim-centred approach
- Investigate all complaints of antisocial behaviour
- Always have someone available to deal with antisocial behaviour during office hours
- Respond to racial harassment and domestic violence within 24 hours

- Remove offensive or discriminatory graffiti within 24 hours of it being reported
- Support and work with the complainant in trying to resolve the complaint
- Agree an action plan within two weeks of receiving a report and review this every month
- Offer clear advice and support when an incident is reported
- Use a range of legal and non-legal remedies to resolve antisocial behaviour, taking an approach that is appropriate to the case
- Review all open cases after three months
- If we feel a case should be closed, discuss this with the complainant and give them an opportunity to appeal
- After a case is closed we will ask for feedback on how we dealt with the case.

7 Monitoring

7.1 We will collect data on harassment in order to:

- Make sure we meet our targets
- Make sure we don't discriminate against anyone in any individual case
- Find out about customer satisfaction and work to improve our services accordingly
- Identify hotspots of harassment and specific problems; and
- Target resources to tackle harassment appropriately

7.2 Some of the particular things we will monitor are:

- number and type of incident reported
- response against target time
- support offered and referrals for further support
- number of cases resolved on time and at all
- level of resident satisfaction with outcome and handling
- actions taken and response options used
- equality and diversity information relating to the complainant, victim and perpetrator
- method of reporting
- cost of externally-procured legal services
- cost of externally-procured non-legal services

- repair and clean-up costs

7.3 We will report on our progress, performance and costs regularly to partner boards.

8 Equality and Diversity

8.1 It is essential to recognise that customers of all races, ages, religions, gender, sexual orientation, literacy levels and disability should be treated equally and fairly. We will not tolerate harassment against any individual because of their membership of one of these groups.

8.2 All customers will have access to this document upon request or from our website www.circleanglia.org/customers

8.3 This document and accompanying leaflet can be translated or provided in alternative formats (e.g. Braille, large print, audio) upon request.

8.4 Equality and Diversity training is mandatory for all staff.

9 Publicising the Policy

9.1 Circle Anglia publicises its policies and procedures on harassment to residents and staff in a number of ways:

- Resident Handbook
- Leaflets
- Resident Newsletter
- Resident Website
- CIRANO
- Policy Briefings and
- Training

9.2 We will publicise to residents the ways that harassment can be reported, and encourage residents to use them.

9.3 We will communicate clearly with residents at the outset of their tenancies and throughout our expectations around behaviour.

Appendix 1: Penalties for offences aggravated by race, religion, disability, or homophobia

Crime	Act	Penalty
Grievous bodily harm or actual bodily harm	Offences against the Person Act 1861 Crime and Disorder Act 1998	Arrestable offence On indictment, 7 years
Common assault	Criminal Justice Act 1988 Crime and Disorder Act 1998	On indictment, 2 years
Criminal damage	Criminal Damage Act 1971 Crime and Disorder Act 1998	Arrestable offence On indictment, 14 yrs
Threatening words or behaviour Intentional harassment, alarm or distress	Public Order Act 1986 Crime and Disorder Act 1998	Power of arrest if found committing On indictment, 2 years
Disorderly conduct	Public Order Act 1986 Crime and Disorder Act 1998	Power of arrest if found committing, but only after warning if conduct continues Fine not exceeding level 4
Harassment/stalking without violence	Protection from Harassment Act 1997 Criminal Justice and Police Act extends sections to include aid, abet, counsel and procure Crime and Disorder Act 1998	Arrestable offence On indictment 2 years (Summary 6 months and court may impose restraining order if not racially/religiously aggravated)
Harassment/stalking with fear of violence	Protection from Harassment Act 1997 Crime and Disorder Act 1998	Arrestable offence On indictment 7 years (On indictment 5 years if not racially/religiously aggravated)
Racial hatred – words/behaviour/written material	Public Order Act 1986	Power of arrest if found committing On indictment, 7 years
Racial hatred – publish/distribute written material	Public Order Act 1986	Arrestable offence On indictment, 7 years
Send letter or article to cause distress or anxiety	Malicious Communications Act 1988	Fine not exceeding level 4
Nuisance phone calls	Telecommunications Act 1984	Summary six months

Glossary

Term	Definition
Crime and Disorder Reduction Partnerships (CDRPs) or Community Safety Partnerships (CSPs)	These partnerships were formed as result of the Crime and Disorder Act (1998) and there is one in every local government area, a total of 376 in England and Wales. They are accountable to the Crime Reduction Director in the relevant regional government office.
Information Commissioner	The Information Commissioner's Office is the UK's independent authority set up to promote access to official information and to protect personal information

Related Documents

Document	Link
Connected Policies:	Antisocial Behaviour Bereavement and Compassionate Leave Complaints Domestic Abuse Ending a Tenancy Fairness and Dignity at Work
Forms and Letters:	Forms and letters used for harassment cases are the same as those used for antisocial behaviour cases, to be adapted as necessary. These are linked to from the antisocial behaviour appendices.
Leaflets:	Harassment
Other:	

Version history

Version no.	1	**Date effective:**	October 2006
Full / partial review?		n/a	
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Staff consultation (teams):		Relevant staff	
Resident consultation:		Have Your Say, OF HS, OF TML	
Signed off by:		Group Policy Forum, 15th September 2006	
Author:		Jason Christensen, Policy Officer	

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Staff consultation (teams):		Housing Management teams at all RPs Continuous Improvement leads at all RPs	
Resident consultation:		Wherry resident policy review day: 11th May 2009 Mole Valley resident's group set up specifically for this purpose: 29th April 2009 Russet resident consultation by email sent on 30th March 2009 Resident input included: ▪ Use of the term 'complainant' to refer to the person reporting the problem ▪ Emphasis on acting faster than target timescales where required ▪ Regular contact with complainant every two weeks ▪ Adjustment of three month case closure target	
Signed off by:		Group Policy Forum, 25th June 2009	
Author:		Abi Patience, Policy Officer	

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