

New



Revision



Housing Management

Harassment

Scope:	This policy applies to Circle 33 Housing Trust, EPIC Trust, Old Ford Housing Association, South Anglia Housing and Wherry Housing Association
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Policy Owned by:	Policy and Planning
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QAF (Supported Housing):	C1.4 Protection from Abuse
Statute:	Housing Act 1996 Protection from Harassment Act 1997 Crime and Disorder Act 1998 Anti-social Behaviour Act 2003
Regulatory Code:	2.7
Consultation:	SMPRG, Staff, Have Your Say, OF HS, OF TML, GPF

Harassment Policy

1 Scope

1.1 This policy applies to:

- Circle 33 Housing Trust
- EPIC Trust
- Old Ford Housing Association
- South Anglia Housing
- Wherry Housing Association

1.2 This policy covers all forms of harassment.

2 Policy Statement

2.1 Circle Anglia recognises that harassment may occur based upon an individual's (or group's) race, religion, gender, disability, sexual orientation or age.

2.2 In order to support and protect customers experiencing harassment, we will:

- Provide a supportive environment to encourage reporting
- Give information and advice to support victims
- Take action against perpetrators where possible
- Provide a range of options to support victims
- Liaise with relevant agencies where we are unable to help
- Always ensure customer safety and confidentiality

2.3 In tackling harassment, Circle Anglia is committed in complying with relevant legislation and standards:

- Housing Act 1996
- Protection from Harassment Act 1997
- Crime and Disorder Act 1998
- Anti-social Behaviour Act 2003

3 Policy

3.1 The purpose of this policy is to ensure that we are effective in preventing harassment, supporting customers who are being harassed and taking action against perpetrators.

Objectives

3.2 Circle Anglia aims to achieve this by:

- Taking steps to prevent all forms of harassment
- Using a victim-centred approach
- Taking action against any person responsible for harassment
- Working with agencies to help provide support for victims
- Sharing information with partners
- Meeting all data protection and confidentiality requirements
- Providing appropriate training
- Providing tenancy support

4 Definition

4.1 Harassment is any deliberate attack suffered by an individual or group because of their:

- Colour
- Race
- Religion
- Nationality
- Gender
- Sexual orientation
- Age
- Disability
- Illness

However, we recognise that harassment may occur for other reasons other than listed above, and so we will initially investigate any case as harassment if the victim or anyone else perceives it to be harassment.

4.2 Upon further investigation, we will make a judgement on whether to continue to manage the case as harassment.

4.3 Harassment can be an isolated incident or a series of incidents, there may also be no obvious motivating factor.

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

- Racist 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

4.5 Circle Anglia has a harassment clause in the tenancy agreement. The current wording is as follows:

Not to commit, threaten or allow members of the household to commit or threaten any act which will cause or is likely to cause harassment on the grounds of race, colour, religion, sex, sexual orientation or disability to any Tenant, member of the Tenant's household, visitor, neighbour, employee, agent or contractor of the Landlord in the Premises, in the locality of the Premises or in or in the locality of any office of the Circle Anglia group.

5 Enforcement

5.1 Taking action against perpetrators of harassment sends a clear message to other residents that we will not tolerate such behaviour.

5.2 The options we choose to take will vary from case to case and can depend on:

- The type of behaviour and its impact on others
- The severity and duration of the harassment
- The age of the perpetrator
- Any vulnerability suffered by the perpetrator
- Whether the perpetrator is a resident or non-resident
- The evidence available to support a case
- The wishes of the complainant

5.3 For harassment cases, Circle Anglia can use the range of tools available to tackle anti-social behaviour (see [Anti-social Behaviour](#) policy), as well as:

Injunctions

- 5.4 The Anti-social Behaviour Act 2003 allows landlords to grant an injunction against anyone who threatens to or engages in conduct capable of causing a nuisance or annoyance to any person.
- 5.5 Residents can seek their own injunction.
- 5.6 Under s152 and s153 of the Housing Act 1996, the court can attach a power of arrest to an injunction against a tenant.

Possession action

- 5.7 Harassment is a breach of the tenancy agreement.
- 5.8 The Housing Act 1996 contains grounds for nuisance:
- Ground 2 for secure tenancies
 - Ground 14 for assured tenancies

See [Grounds for Possession](#).

- 5.9 Possession action will only be considered if the other options available to us have been ineffective or deemed inappropriate.

Criminal proceedings

- 5.10 Circle Anglia will encourage the police to take action where criminal acts have been committed.
- 5.11 The Protection from Harassment Act 1997 prohibits:
- “Any course of conduct (at least 2 occasions) which the perpetrator knows or ought to know is harassment of another person.”
- 5.12 There are 2 criminal offences under the act:
- Criminal harassment
 - Putting people in fear of violence

- 5.13 The Crime and Disorder Act 1998 introduced racially aggravated offences. An offence is racially aggravated 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 racial group or
 - the offence is motivated (wholly or partly) by hostility towards members of a racial group based on their membership of that group

Where the perpetrator is not a tenant

- 5.14 The Anti-social Behaviour Act 2003 allows Circle Anglia to grant an injunction against **anyone** who threatens to or engages in conduct capable of causing a nuisance or annoyance to any person.
- 5.15 If the alleged perpetrator is a tenant of another Registered Social Landlord, we can also request that they take action against the perpetrator.

Where no perpetrator is identified

- 5.16 Sometimes no perpetrator can be identified, or the person being harassed will not identify the perpetrator. Action can still be taken. The police can give warnings to possible perpetrators. They can be asked to keep a higher profile in the area or even visit all tenants stating that harassment will be dealt with.
- 5.17 Similarly we can send a general warning letter to all tenants in the area or contact the tenants association to communicate the message that we take harassment seriously and will take action.

Working with others

- 5.18 The local authority has a variety of roles to play in tackling harassment. It has various powers to enforce notices against nuisance (under the Environmental Protection Act 1990, Control of Pollution Act 1974 and the Local Government Act 1972).
- 5.19 Many local authorities have race units, which may be able to provide support for tenants being harassed. The race unit may be able to access counsellors, interpreters, security measures and even surveillance equipment in the most serious cases.
- 5.20 Local authorities have a strategic role to play in combating harassment and some have set up inter agency forums to devise borough wide strategies and

monitor incidents in their areas. Where such forums exist Circle 33 should co-operate.

- 5.21 Local authorities also have the power to take out ASBOs against any member of the community in conjunction with the police.

Security

- 5.22 Improvements to the security of a property can act both as a deterrent to criminals and to make vulnerable residents feel safe and secure within and outside their properties. This can include proper window locks, door entry systems, the gating of alleyways where people might congregate etc.
- 5.23 Where appropriate, advice will be sought from local police and crime prevention advisors.

Referral

- 5.24 We will refer to specialist agencies, where relevant, who provide specialist help and support to help tackle harassment and work with local agencies and community groups to help provide support for victims of harassment.

Professional witnesses

- 5.25 Where necessary Circle Anglia will employ professional witnesses for the purpose of gathering evidence.
- 5.26 This is generally appropriate where harassment is taking place but we are unable to obtain evidence, or where people are too afraid to come forward and act as witnesses.

Transfer

- 5.27 Circle Anglia may agree to a transfer if the RSL's Lettings policy allows, and:
- There have been physical assaults or a life endangering incident, or
 - The complainant is no longer able to live in the home

6 Service Standards

- 6.1 We will make initial contact within 24 hours for harassment cases.
- 6.2 We will remove offensive or discriminatory graffiti within 24 hours of being notified.

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- 6.3 We will arrange for complainants to speak to staff in a private and safe environment.
- 6.4 Where possible we will provide staff of the same sex and/or ethnic origin when requested.
- 6.5 We will work with each customer to agree an action plan for managing their case. This will include agreeing on the method and frequency of communication throughout the case.
- 6.6 We will review all open cases after 3 months. If we feel a case should be closed, we will discuss this with the customer and give them an opportunity to appeal.
- 6.7 After a case is closed we will conduct a satisfaction survey by telephone.
- 6.8 We will deal with victims in a sympathetic and supportive manner and treat all information in accordance with the Confidentiality policy.
- 6.9 We will take legal action where appropriate, advising victims of their rights.
- 6.10 Where we are unable to resolve cases of harassment ourselves, we will work with other agencies to find effective and quick solutions.

7 Monitoring

- 7.1 Harassment cases will be reported in accordance with the [Anti-social Behaviour](#) policy to show:
- Number of incidents reported
 - Type of incident
 - Type of action taken
 - Response within target time
 - Referral for support
 - Number of cases resolved
 - Number of tenancies ended
 - Level of resident satisfaction
 - Level of residents feeling more safe and secure in their home and community
 - Staff costs
 - Repair costs

- Cost of legal action
- Ethnicity and gender of victim and perpetrator
- Nature of relationship between victim and perpetrator
- Type of tenancy
- Contact made with the police and other agencies
- Repeat victimisation
- Where cases are referred to
- Outcomes of case

8 Equality and Diversity

- 8.1 It is essential to recognise that customers of all races, ages, religions, gender, sexual orientation and disability should be treated equally and fairly.
- 8.2 We will initially investigate any case as harassment if the victim or anyone else perceives it to be harassment.
- 8.3 Offensive or discriminatory graffiti will be removed within 24 hours of being notified.
- 8.4 All customers will have access to this document upon request or from our website www.circleanglia.org/customers
- 8.5 This document can be translated or provided in alternative formats (e.g. Braille, large print, audio) upon request.
- 8.6 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

Glossary

ASB	Anti-social Behaviour
ASBO	Anti-social Behaviour Order
EMM	Estate Management Module
GPF	Group Policy Forum
NOSP	Notice of Seeking Possession
OF HS	Old Ford Housing Services
OF TML	Old Ford Tredegar Monteith Lefevre (residents' group)
RSL	Registered Social Landlord
SMPRG	Senior Managers Policy Review Group

Connected Policies:	Anti-social Behaviour Lettings
Forms and Letters:	ASB Alleged Perpetrator form ASB Case Closed letter ASB Incident Log ASB Interview form ASB Pack ASB Warning letter
Leaflets:	Anti-social Behaviour Harassment