



OAK TREE HOUSING ASSOCIATION

Harassment Policy

Adopted August 1999 Last Reviewed December 2016
Next Review Due December 2021

1.0 INTRODUCTION

- 1.1 This generic harassment policy relates to the harassment of tenants and applicants. It draws together parts of the Allocations Policy, Estate Management Policy, and Equalities Policy. The Harassment Policy ties together the key elements from other policies, which relate to the harassment of association tenants. The Allocations Policy covers the aspect of potential rehousing of victims of harassment. The Estate Management Policy covers the action against the perpetrator and the enforcement of tenancy conditions as well as dealing with anti-social behaviour on a strategic basis. The Equalities Policy covers the aims of the association in promoting equality and taking action to end discrimination.
- 1.2 The Association will not tolerate harassment on any grounds including as a result of their gender, marital status, age, race, ethnic origin, nationality, colour, religion or similar philosophical belief, sexuality, disability, health status (including HIV or AIDS), or personal attributes including appearance.
- 1.3 For the purposes of this policy, harassment is defined as 'unacceptable behaviour targeted at an individual or family that is unwanted, unreciprocated, and is regarded as offensive by the recipient, whether or not the harasser intended to be offensive'.

2.0 POLICY AIMS

- 2.1 To draw together a number of policies to provide clear guidelines for dealing with cases of harassment.
- 2.2 To provide guidance on proactive steps to reduce the incidents of harassment.
- 2.3 To ensure that staff react in a sensitive and effective manner to complaints of harassment.

3.0 POLICY PRINCIPLES

- 3.1 Complaints of harassment must be made formally in writing. Staff will assist the victim to make a formal complaint if this is required.
- 3.2 Complaints will be dealt with by the Housing Officers, under supervision of the Senior Housing Officer. Any decision on the award of discretionary points in relation to an application for re-housing will be made by the Housing Services Manager in line with the Allocations Policy.
- 3.3 Cases will be treated sensitively and the victim's statements will be assumed initially to be true unless disproved. The victim will be kept fully informed of each stage of the assessment of their case.
- 3.4 The victim's wishes will be given paramount consideration at all stages when dealing with a complaint. Their co-operation in any action against a perpetrator will be requested, but not required. They will be involved in the development of an action plan to deal with the harassment.
- 3.5 Steps will be taken promptly to remove sources of distress such as graffiti or damage.
- 3.6 The level of urgency of the response will depend on the seriousness of the case. A multi-agency response will be invoked if appropriate.

- 3.7 Where verification is available it shall be sought from the police, community wardens, ASIST Team, & other witnesses if available. In cases where intimidation is a factor, the use of professional witnesses may be considered. The lack of evidence in itself will not determine how a case is dealt with, but may be a factor in any decision taken.
- 3.8 The victim will be given appropriate support and information on counselling or support services, which may assist them.

4.0 RESPONSE TO HARASSMENT COMPLAINTS

The response will depend on the following factors: -

- The urgency of the situation and the continuing risk to the victim posed by the perpetrator of the harassment.
- The seriousness of the allegations.
- The wishes of the victim once all the options have been advised.
- The tenure of the perpetrator.

The following secondary factors may also be taken into account where relevant: -

- The level of evidence available to support the case.
- The willingness of the victim to co-operate with proposed action in line with the policy. This may include their willingness to consider a 'like for like' transfer or action against the perpetrator where this is reasonable in the light of the circumstances of the case.
- Any responsibility the victim may have for provoking the harassment where this is reasonable.
- The tenancy record.

The range of available responses will include the following: -

4.1 Re-housing

In the most serious and urgent of cases involving tenants where there is a risk of violence to the tenant or their household, an urgent management allocation will be considered. Where there is no accommodation available within the associations own stock the association can seek assistance from other local landlords and can refer the tenant to the emergency homeless accommodation offered by Inverclyde Council. Any management allocation will normally be considered on a 'like for like' basis.

4.2 Joint Complaint to the Police

Where a criminal act has been committed the Association will support the victim in making a complaint to the Police.

Hate Crime is any criminal offence committed against an individual or property that is motivated by a person's hatred of someone because of his or her actual or perceived race, religion, transgender identity, sexual orientation or disability.

The Association will assist victims who believe that they have suffered from a Hate Crime to report it as such to the Police.

4.3 Legal Action for Eviction Against The Perpetrator

Where there is sufficient evidence of a breach of tenancy on behalf of the perpetrator, the Association may raise an action for eviction. The Association will be proactive in seeking evidence to support the case. The co-operation of the victim will be requested.

4.4 Partnership Working and Legal Remedies

The Association works in partnership with Inverclyde Council's Safer and Inclusive Communities Service who provide the following services:-

- Anti-Social Behaviour Helpline
- Community Wardens Service
- Antisocial Investigations Team (ASIST)
- Mediation Service

There are a range of legal remedies can be pursued if there is evidence that persistent ant-social behaviour is occurring. The Association would seek advice on the most appropriate course of action in the circumstances. These remedies include:-

- Anti-Social Behaviour Orders (ASBO)
- Interdicts
- Acceptable Behaviour Contracts (ABC)
- Closure Orders

4.5 Mediation

Few cases involving harassment will be suitable for mediation. However, where the case fulfils the criteria for a potentially successful mediation this option will be offered through the Inverclyde Mediation Service.

5.0 TARGETS

5.1 Response Times

The Association will deal promptly with cases of harassment in line with the urgency of the case. The maximum response times for dealing with each stage of the procedure will be as follows: -

Stage 1

Interviewing the Complainant - maximum response time two working days.

Stage 2

Verification and Investigation - maximum response time three working days.

Stage 3

Deciding on the appropriate course of action - maximum response time 10 working days.

- 5.2 The Association will seek a reciprocal arrangement with other local landlords to deal with cases of harassment where urgent re-housing is required and the Association has no available stock.
- 5.3 The Association will provide training on harassment issues for all front line staff on a regular basis.

6.0 POLICY REVIEW

- 6.1 The Policy will be reviewed on a five yearly cycle.