

Harassment Policy

Housing management policy 9

Keniston Housing Association

1. Introduction

This policy sets out how Keniston will deal with harassment related to a protected characteristic. Harassment is a form of anti-social behaviour and can have devastating effects on communities and individuals. We take harassment very seriously and are committed to dealing with any harassment against any of our residents.

We aim to create sustainable communities by ensuring all people living within our properties in an environment free of harassment, abuse and hatred regardless of their race, religion, sexuality, disability, gender, age or any perceived differences.

This policy sets out how Keniston will take a proactive and supportive approach towards victims of harassment and hate crime.

We are committed to providing a flexible, individual and victim centred service when managing reports of harassment. We will respond to any incident that a person perceives as being motivated by hate crime. We will take a proactive and supportive approach towards people experiencing any forms of harassment, hate crime and domestic abuse.

We will ensure that our residents are made aware of their responsibilities; staff are equipped to deal with cases and that we work in partnership with other agencies to deliver a joined-up and consistent approach.

2. Definitions

2.1 Protected characteristics

There are nine specific areas (or protected characteristics) which are covered by equality and diversity guidelines and legislation. These are: Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, Sex, sexual orientation.

You are also protected if you are discriminated against because you are perceived to have, or are associated with someone who has, a protected characteristic, For example protecting carers from discrimination.

2.2 Harassment is defined in the Equality Act 2010 as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'.

2.3 Victimisation is when someone treats another person badly or subjects them to a detriment because they complain about discrimination or help someone who has been the victim of discrimination. Because the Equality Act recognises that someone may be reluctant to complain, they then have the extra legal protection when complaining about discrimination.

3. Forms of harassment

Harassment can include a range of activities:

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- Physical assault
 - Damage to property
 - Racist graffiti
 - Arson
 - Verbal abuse
 - Threatening or abusive behaviour, letters or telephone calls and the dumping of excretion, rubbish, etc. in the victim's home and property.

4. Regulatory and legal requirements

- The Housing Acts 1996 and 2004
- The Anti-Social Behaviour Act 2003
- The Crime and Disorder Act 1998
- Regulation of Investigatory Powers Act 2000
- The Housing and Regeneration Act 2008
- The Localism Act 2011
- The Data Protection Act 1998
- The Equality Act 2010
- The Human Rights Act 1998
- The Protection of Freedoms Act 2012
- Homes and Communities Neighbourhood and Community standard.

5. Scope of who the policy applies to

This policy applies to all general needs tenants and leaseholders. It also includes any other person who visits those homes.

6. Prevention

The following will be undertaken to help minimise incidents of harassment.

6.1 Increase awareness concerning the offensiveness of harassment and promote action Keniston will take against perpetrators. This may be undertaken in the following forms:

- Have appropriately worded posters up in Keniston's office.
- Once a year produce an article for the newsletter to promote Keniston's position on harassment.
- Publicise in the newsletter action that has been taken against perpetrators.
- Ensure that Bromley Youth services continue to hold training sessions at the Darrick Wood Youth club.
- This policy will be on Keniston's website

6.2 We will also remove offensive graffiti within 24 hours of the time it was reported.

6.3 Inform staff, tenants of this policy and ensure that staff are trained.

6.4 Work with residents groups and other local agencies to identify potential problems.

6.5 Consider measures to improve the physical design and security of restates.

6.6 Make use of mediation services where a neighbour dispute has taken on any discriminatory overtones.

6.7 Personal contact with new tenants can help to establish if they are experiencing any problems.

7. Multi agency working

Keniston attend multi-agency forums such as Safer Neighbourhood partnerships in areas where we have substantial stock, and will know the details of the local multi agency forums where we have small stock. We will be aware of local agencies and services to support victims of racial and other harassment.

8. Supporting victims and witnesses

Keniston will do whatever we can to ensure the safety and protection of our residents and will abide by the following general principles; and take the following action:

8.1 Take the initial action within 24 hours of receiving the complaint, adopting a victim centred approach responding sensitively to the victim. We would explain what steps can be taken to protect them, and ultimately the victims wishes must be respected.

8.2 Interpreters will be used when required

8.3 Removal of graffiti within 24 hours and any emergency repairs to secure the home will be a priority.

8.4 We will conduct a prompt and thorough investigation into all alleged cases.

8.5 With the victim's consent we will inform our partners of the incident and expect to build a case against the perpetrator. Keniston will always act in consultation with the person and fully consider their views in whatever action is taken. We will Adopt high standards of confidentiality when dealing with victims.

8.6 Offering to put the person or family in touch with community groups and other external agencies that can give specialised support.

8.7 Discuss the possible rehousing options available to victims. No-one should feel like they have to move and we would take all the necessary steps and offer support to enable the resident to continue to live in their own home. When rehousing is agreed, this will be without worsening in the quality of their accommodation.

8.8 Inspect the property and offer appropriate security measures to protect the victim, for example fitting locks, vandal proof letter boxes, fences and lighting.

8.9 Monitor and review the case for further incidents.

8.10 Ensure regular contact with the victim to update them with actions.

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- 8.11 Provide ongoing practical support for victims after the incident where appropriate. Keniston will work with residents who are experiencing harassment in a way that best suits their needs.
- 8.12 Will consider other ways of obtaining more evidence, e.g CCTV
- 8.13 Take action where appropriate, backed up by tenancy clauses
- 8.14 Injunctions can provide short-term protection but each case would be evaluated carefully.

9 Action against the perpetrator

We will:

- 9.1 Work with perpetrators as well as parents of young perpetrators, ensuring perpetrators are aware of the consequences of harassment.
- 9.2 Always take action against the perpetrator which could result in eviction where allegations are proven. This might be:
- Without notice injunctions will be sought where necessary
 - Give verbal warnings, send warning letters.
 - Use Acceptable Behaviour Contracts and Agreements and use legal remedies where appropriate.

10 Monitoring

- 10.1 We will use standard forms within 24 hours of receiving the complaint
- 10.2 Once a year a report will be submitted to the management Committee outlining all reported cases of Harassment with details of action taken by Keniston. Trends will be noted and relevant action taken.
- 10.3 The Housing Services Manager will monitor the nature and location of incidents; characteristics of victim and perpetrator; comments from victims about the service provided.

11 Staff and harassment

- 11.1 Keniston will not tolerate any incidents of harassment whether it is by a staff member on a tenant or a staff member by another staff member. The issue would be dealt with as a case of gross misconduct. Further details are contained in the staff handbook.
- 11.2 Any incidents of harassment by contractors or other service providers towards tenants or staff members will be dealt with by Keniston by ensuring that the contractors / service providers take the appropriate action to deal with the issue. (Further details are contained in the Maintenance code of Conduct item 12). If they fail to take the necessary action then Keniston would institute actions depending on the circumstances of the case but it may include stopping using them.

11.3 Any situations where staff were harassed by tenants would be dealt with in the same way as dealing with incidents of harassment between tenants. Staff may find the investigation stressful and are properly supported by their line manager.

11.4 Training on policies, procedures and practices to recognise harassment and awareness of the impact on the victim, in understanding victims, perceptions and meeting the support needs of victims and witnesses.

12 Consultation

12.1 Involving, empowering and reassuring residents are key to Keniston's policy. Keniston involves residents through regular consultation with residents. We work with residents with diverse needs and ensure that no resident is unduly excluded from involvement, advice and information. Information is provided in a range of languages and formats available on request and displayed on our website.

13 Review

This policy is reviewed every 3 years.

13.1 Keniston will review its policy in light of changes of legislation, regulatory guidance, best practice and customer and stakeholder feedback.

This policy was consulted with the Residents Panel and involved 2 residents.

This policy was agreed by the committee on 24th August 2014 and is due for review in May 2017