



Aberdeenshire *housing partnership*

HARRASSMENT OF MINORITIES POLICY

April 2006

Aberdeenshire Housing Partnership recognises that 'harassment of minorities' is a potential threat to the peace and security of our tenants and the wider community.

The term 'harassment' is used in this policy to cover the types of behaviour which are deliberately intended to annoy, intimidate, dominate or harm an individual, family or group because of their ethnic background or ethnicity (racial harassment), religion, disability, gender, sexual orientation, special needs (e.g. mental health) or age, and where the harassment takes place either in or in the vicinity of our property.

We are committed to responding promptly to any reports or incidents of harassment (including where appropriate tackling the causes) and to making our properties places where people may live in safety and peace.

Aberdeenshire Housing Partnership

HARASSMENT OF MINORITIES POLICY

1.0 INTRODUCTION

- 1.1 The term 'harassment' is used in this policy to cover the types of behaviour which are **deliberately** intended to annoy, intimidate, dominate or harm an individual, family or group because of their ethnic background or ethnicity (racial harassment), religion, disability, gender, sexual orientation, special needs (e.g. mental health) or age (see Appendix 1), and where the harassment takes place either in or in the vicinity of our property.
- 1.2 In this policy the term harassment does **not** cover incidents of "neighbour nuisance", which is defined as anti-social behaviour ranging from minor irritations to serious criminal behaviour which annoys or harms neighbours, but which is not aimed at any specific individual or group. Our arrangements for dealing with these matters are covered in the separate policy and procedures on 'tackling Anti-Social Behaviour'.
- 1.3 We have developed a range of procedures and responses to deal with the variety of situations which may arise. These are detailed in the separate document entitled 'Harassment of Minorities Procedures'.
- 1.4 We recognise however that it will not be possible or appropriate to become involved in every situation, and that part of our response will be to encourage or arrange for the involvement of other appropriate agencies.
- 1.5 We recognise that harassment to one or more of our tenants may be caused by those who are not our tenants. In such situations we will seek the active involvement of those other landlords and agencies that may be in a position to take action against those causing the harassment.

2.0 AIMS AND OBJECTIVES

- 2.1 We will develop effective working relationships with the appropriate staff of other agencies which might become involved in harassment situations such as Grampian Racial Equalities Council, Community Mediation, the Police, Social Work, Community Support Groups or Environmental Health Department.
- 2.2 We will take firm action in accordance with the Tenancy Agreement against any tenant who is found to be causing harassment, and will use appropriate legal measures including, if necessary, eviction.
- 2.3 Where activities are uncovered that are believed to be of a criminal nature, we will report the matter to the Police.
- 2.4 We will promote an organisational ethos which is geared to:
 - eliminating all forms of harassment and unlawful discrimination, and
 - promoting equality of opportunity and good relations between persons of different minority groups, especially ethnic minority groups, by:
 - developing and implementing policies and procedures which encourage and reinforce such a culture, and
 - providing appropriate training to relevant staff to enable them to respond correctly when reports of harassment are received.
 - Monitoring of each individual case to ensure the complaint receives prompt and sympathetic support.
- 2.5 We recognise that this policy can only provide a framework for the guidance of staff, and that the response to each situation will depend both on the individual circumstances and on the judgement of the staff involved.

3.0 TERMS OF REFERENCE

3.1 This policy was compiled with reference to the following relevant legislation:

- Scottish Secure Tenancy
- Housing (Scotland) Act 2001
- Human Rights Act 1998
- Race Relation Act 1976
- Sex Discrimination Act 1975
- Disability Discrimination Act 1995

3.2 Performance framework

This policy is based on the guidance in the following documents:

SFHA Guidance Booklet No 7-	Dealing with Anti-Social behaviour
Commission for racial equality-	Good practice code
Positive Action in Housing-	Tackling Racial Attacks and Harassment: Model Procedures

3.3 This policy complies with Communities Scotland Performance Standard AS1.9.

4.0 PREVENTIVE MEASURES

4.1 Design

Where we are building new properties we will seek to minimise some of the effects of harassment through the building design and construction, including the provision of:

- Obtaining (wherever possible) Secure by Design accreditation on all new developments
- adequate sound insulation within and between properties
- secure external doors, and windows
- appropriate fencing and/or lighting in communal areas

4.2 Tenant Participation

We will seek to involve our tenants in developing strategies and procedures to counter harassment through a range of measures, which will be agreed and stated in our forthcoming Tenant Participation Strategy and Tenant Participation policy. We will also publicise our policy on harassment and hold meetings with tenants to address individual situations.

4.3 Information

We will seek to ensure that applicants and tenants understand our views on harassment, and the implications of causing harassment, by providing information in the following ways:

Allocations Policy (including internal transfers)

The Allocations Policy makes it clear that additional points will be allocated where an applicant, or member of their household, is suffering violence or harassment associated with their current housing situation. Confirmation of the situation will be required from other agencies such as Police or Social Work report.

Tenancy Agreement

The Tenancy Agreement includes specific sections on the tenant's responsibilities with regard to harassment, and the implications of breaching any the conditions specified. The relevant section is 11(vi) which states:

“The tenant agrees:

not to commit or allow members of his/her household or persons visiting the house to commit any form of harassment on the grounds of race, ethnicity, religion, gender, sexual orientation, disability or age which may interfere with the peace and comfort of, or cause offence to, any other neighbours or member of their household, either in their house or in the vicinity of the house.”

Welcome meetings

Prior to letting each new development a welcome meeting will be held with all new tenants. This meeting will give incoming tenants information about our main policies and the organisations ethos.

Tenants Handbook/Information

We will emphasise the conditions of the Tenancy Agreement by including specific sections in the Tenants Handbook or other information detailing the grounds under which the tenancy may be terminated, and summarising the legal steps which may be taken against a tenant.

The Tenants Handbook will also state that we will take every possible measure to support victims of harassment, and will take action against identified perpetrators.

General

The written information will be supplemented by additional explanation and emphasis by Housing Officers, in particular at the time of signing the Tenancy Agreement.

5.0 COMPLAINTS

- 5.1 Our response to complaints about harassment will be to regard the complaint as serious until or unless proved otherwise. Where action requires to be taken our response will be speedy and sympathetic. By acting quickly we endeavour to show the complainant that we are committed to their safety and security, and to demonstrate to the perpetrator(s) that we will not tolerate harassment.
- 5.2 We recognise however that complaints which allege harassment may in fact relate to anti-social behaviour and part of the initial response will be to attempt to establish which form of behaviour is involved.
- 5.3 Anonymous reports from third parties will not normally be recorded or followed up, in particular when no other complaints about the specific situation are currently being investigated. However the Housing Officer concerned may choose to follow up an anonymous complaint if it refers to a situation currently under investigation.
- 5.4 If a complaint is to be investigated and/or followed up, the complainant will be involved at all stages and their agreement will be obtained before any approaches are made to those alleged to be causing the harassment, or to other agencies. It will also be made clear to the complainant that their co-operation will be required if the situation is to be dealt with effectively.
- 5.5 At all stages in the investigation of a complaint about harassment the staff involved will ensure that detailed reports of visits, meetings and interviews are prepared. Details are contained in our Procedures.
- 5.6 Where the perpetrator of the harassment is clearly identified as one of our tenants, they will be interviewed by two members of staff. The purpose of the interview will be to:
- identify their version of events;
 - if applicable seek to ensure that further incidents do not occur;
 - Provide information on further action that will be taken, including eviction action, if their behaviour continues.

6.0 OTHER ACTIONS

6.1 Legal Action

Where the interview and any subsequent warnings do not have the desired effect, we will consider taking legal action. We will consult with our legal advisors early to ensure that we are able to proceed with legal action quickly and effectively. In cases where only one incident has occurred but is of a serious nature e.g. a physical attack we will consult immediately with our legal advisers and the Police, action maybe taken prior to or instead of holding an interview.

6.2 Other Agencies

In certain circumstances, e.g. environmental health issues, other agencies have statutory powers which may enable them to take action either independently or in collaboration with us to deal with harassment.

7.0 VICTIM SUPPORT

Where a tenant has suffered from violence, either to themselves or to their property, we can offer to provide support to the victim. If the tenant is in agreement the support may include some or all of the following:

7.1 Actions which can be taken by AHP

Referral to a Victim Support Group, where one exists, who may provide some of the advice or support listed below;

- advice on options and agreement on action;
- advice on action the Police may take, and referral to the Police with the victim's consent;
- providing emergency contact person(s), telephone numbers etc.;
- treating damage which compromises the security of the property, such as a badly damaged door or a broken window, as an emergency repair;
- removing personally offensive graffiti within 1 working day;
- Identify options for improving the general vicinity e.g. security measures, extra lighting
- special attention being paid to areas where victims live by Housing Staff

- In accordance with our allocations policy granting additional discretionary transfer points in more severe cases or where alternative accommodation is not immediately requested;
- in very serious cases with a real risk of further violence, considering or advising about temporary or permanent re-housing;

7.2 Referrals to other agencies

- advice on the support available from other agencies and make a referral(s) where appropriate;
- Police support and action; criminal and for advice on improving home/personal security: (AHP will endeavour to provide the home security measures recommended by the Police)
- Grampian Race Equality Council for specialist support and advice
- Contacting a solicitor for advice on obtaining an interim interdict to prevent further contact by the person(s) causing the violence or damage

8.0 MONITORING AND REVIEW

- 8.1 The Housing Manager is responsible for ensuring that this policy and the procedures which support it are implemented by all relevant staff.
- 8.2 The Housing Manager will ensure that this policy is reviewed by the Housing Committee at least every 5 years or in the light of substantive legislative changes.

9.0 OTHER RELATED POLICIES

- tackling anti social behaviour policy
- allocations policy
- equality & diversity policy
- complaints policy
- Strategic plan
- Customer charter

Policy reference number	H06
Current version approved	20 th April 2006
Policy approved by	Housing Committee
Date of next review	April 2009
Policy complies with	Performance Standard AS1.9

EXAMPLES OF HARASSMENT

Note: This list is illustrative and not exhaustive

Threats to the Person

- threatening or abusive letters or telephone calls
- verbal abuse, including repeated name calling and swearing
- threatening or abusive behaviour including spitting, 'stalking', accosting
- unprovoked physical assaults
- failure to control dogs
- repeated and unfounded or trivial complaints against an individual, family or group.

Damage to the Home

- vandalism to property
- offensive graffiti
- arson or attempted arson, including pushing letters or flammable materials through doors or windows
- 'flooding out' properties intentionally
- activities intended to deter a person from occupying a particular dwelling.

Harassment outside the Home

- placing excrement or rubbish near or in homes
- placing offensive items near homes
- vandalism of vehicles
- damage to property used by a particular group, e.g. place of worship.