



East Midlands Housing Group Harassment Policy

1. Policy Statement

- 1.1 East Midlands Housing Group is committed to placing equality and diversity at the heart of our business and to ensure the whole spectrum of our residents can peacefully enjoy the use of their home. Where peaceful enjoyment is not permitted because of prejudice against an individual or a group of individuals chosen lifestyle(s), EMH Group will take a victim centred approach to investigate and tackle allegations of harassment in line with the procedure set out below.
- 1.2 The scope of the policy extends to all partner organisations within the Group, including:
- East Midlands Housing Association
 - Foundation Housing Association
 - Midlands Rural Housing
 - Three Oaks Homes

2. What do we mean by harassment?

- 2.1 This Policy is set out to cover all forms of harassment, (with the exception of racial harassment which is covered in a separate policy), and includes the following forms*:
- Sexual harassment
 - Harassment on the grounds of an individual's sexuality
 - Harassment of people who are HIV Positive or have AIDS
 - Harassment of people with disabilities (including mental health problems)
 - Harassment on the basis of age

- Harassment on the grounds of religion
- Harassment where there appears to be no motivating factor
- Harassment of ex-offenders.

* This list is not exhaustive.

2.2 The Group defines a harassment as any incident which is perceived to be harassment by the victim or any other person'. *Adapted from: Report of the Stephen Lawrence Inquiry - Macpherson*

2.3 To assist in identifying harassment, it differs from neighbour nuisance in the following ways:

- Harassment is usually motivated by prejudice and suffered by groups who are discriminated against.
- It is premeditated, intentional and targeted.
- Neighbour disputes usually affect a number of people i.e. noise nuisance.
- Neighbour disputes commonly arise from unwitting or thoughtless behaviour or from clashes of lifestyle.

2.4 Harassment does not matter whether the behaviour is deliberate or unintentional it is whether is perceived as racial harassment by the victim.

2.5 Cases of neighbour nuisance will be dealt with in accordance with EMH's Group Anti Social Behaviour Policy and Procedure.

2.6 The key objectives of the Harassment Policy are:

- To encourage the reporting of harassment
- To support the people experiencing harassment
- To introduce measures to prevent further harassment
- To take action against the perpetrators of harassment
- To promote where possible participation in multi-agency arrangements - working with local authorities, other housing associations, community groups and multi-agency panels
- To encourage tenants' and residents' groups to support complainants and give evidence of harassment
- To monitor the effectiveness of the action we take
- To promote awareness of the diversity of EMH Group tenants to colleagues, residents and partners

All members of staff have a duty to implement this policy. If harassment does occur it must be dealt with in accordance with this policy and the accompanying procedure guidelines.

3. Procedure for Reported Cases of Harassment

- 3.1 The EMH Group is aware that harassment is a particularly brutal form of prejudice which is very traumatic and distressing for the victims and others who may consider themselves to be at risk from similar abuse.
- 3.2 It is the commitment of the EMH Group as part of its Kaleidoscope strategy, to treat all reports of harassment seriously and deal with all cases swiftly and decisively.
- 3.3 All reports of harassment will be recorded on a Harassment Incident Reporting Form by the member of staff who receives the allegation. The reporting form is to be completed at the time the complaint is made.
- 3.4 Residents who wish to report a case of harassment should contact their housing officer or any another member of staff who they feel comfortable speaking to. They may contact an appropriate support agency. We will:
 - Provide victims of harassment with advice and support
 - Contact the victim within 1 working day of receiving a complaint about racial harassment
 - aim to visit the resident reporting a case of harassment within 2 working days
- 3.5 The investigation will normally involve interviewing the victim and any witnesses (their statements are to be recorded on the Witness Statement Form), in order to assess the extent and nature of the reported incident(s). Where necessary EMH Group member organisations will arrange and pay for an interpreter.
- 3.6 Where there is evidence of criminal damage by the perpetrator, this will be recorded and photographed by the visiting Officer. Where appropriate and only with the consent of the victim, the Police will be asked to investigate.
- 3.7 Necessary repairs to the property resulting from the incident (for example the removal of graffiti) must be dealt with by the Area Maintenance Team under the highest priority practical.
- 3.8 When compiling Appendix H1 Part B, the Housing Officer must provide full details of the incident (s). The report must include reference to the following where applicable:-
 - Graffiti
 - Written abuse
 - Abusive telephone calls

- Verbal abuse
- Damage to property (not just EMH Group members' property if this is applicable to the reported incident)
- Physical assaults
- Excessive noise

3.9 The report must also highlight the effect of the incident(s) on the victim's household. This should include any health factors or information about how this is (or is likely to be) detrimental to the health of the victims household or to the education of any children involved.

3.10 The report must provide details of any other people or agencies involved in the case. Examples are listed below:-

- Police Officer dealing with the case
- Solicitor / advice or Law Centre acting on the residents behalf
- Local / national support groups
- Social Services
- Schools / colleges
- Local Councillor / MP
- Local authority departments

(Where a statutory or voluntary body is not included in the case and the visiting Officer feels they could assist the victim, they should be notified of their existence and given the opportunity to make contact if they wish. Assistance will be provided if required.)

3.11 Where the victim does not wish the incident to be reported to the Police or any other agency, their request should be respected unless there are exceptional circumstances which may affect the safety and wellbeing of others.

3.12 If the victim is a tenant of an EMH Group member and requests a transfer this should be noted in the report. A Transfer application form should be completed (with the assistance of the Housing Officer if required) and passed to their line manager to consider for a management move. (See Allocations Policy for further details.) Action of this nature must be recorded on the appropriate form

3.13 In serious harassment cases the victim may require emergency re-housing for the duration of the investigation and / or until permanent alternative accommodation can be secured. If the EMH Group is unable to arrange alternative accommodation within our stock, the Housing Officer should be able to provide details of emergency options (if these are not known then contact should be made with the relevant Local Authority Housing Advice Department) and (following line management approval) they will assist the victim in obtaining access to this accommodation.

- 3.14 Once the victim and witness statement have been collated, the alleged perpetrator will be interviewed by the Housing Officer within a further 2 working days wherever possible. This is to be recorded on the Interview with Alleged Perpetrator Form. Before visiting an assessment must be made as to whether the Housing Officer should visit alone or with a colleague.
- 3.15 On completion of these steps, the Housing Officer must meet with their line manager in order to discuss the case and agree the action to be taken. This is to be recorded on the Harassment Incident Reporting Form.

4. Where the group can take action

- 4.1 If the victim and perpetrator are EMH Group residents we can take legal action if we have appropriate supporting evidence and the consent of the complainant.
- 4.2 We can only take legal action where the harassment is carried out by an EMH Group resident. If an EMH Group resident is the victim of harassment and the perpetrator is not a resident of ours we will offer advice, support, details of relevant support groups and assist with re-housing if required.
- 4.3 If the perpetrator is an EMH Group resident but the victim is not, we will advise and support the victim. Then take appropriate action against the perpetrator based upon the evidence available (see section 5 below).
- 4.4 If it is determined that action can be taken, EMH Group will ensure the victims of incidents of harassment are informed of proceedings at each stage.
- 4.5 The need for evidence of harassment is not intended to be unreasonable. However if, after investigation, there is no evidence to support the claim of harassment, the complainant will be informed.

5. Action against the harasser(s)

- 5.1 The action determined will vary on the severity of the incident, the outcome of our investigations and the wishes of the complainant. Under most circumstances no action will be taken without the consent of the complainant. Action can include the following:
- Obtaining an injunction to prevent further incidents
 - Instigating possession proceedings to evict perpetrators of serious and /or persistent harassment, where there is sufficient evidence to do so
 - Involving the police where criminal offences have occurred where the victim is agreeable. (In exceptional circumstances there may be

no option but to contact the police where the safety and security of others could be at risk.)

- Obtaining an Anti-Social Behaviour order where appropriate
- Where the perpetrator is a member of the public or is unknown, victims will be offered support and advice to pursue the matter
- Where appropriate, external support may be obtained to assist the perpetrator and to bring about a positive change in their behaviour
- Care should be taken to establish whether the perpetrator's behaviour is connected to any form of illness or disability that may require consideration under the Disability Discrimination Act.

6. Additional Steps Available to aid in Protecting EMH Group Residents Experiencing Harassment

6.1 In consultation with the complainant, if appropriate in the circumstances of the case, we will look to provide additional security measures such as:-

- The fitting of additional locks, fire or smoke detectors.
- Using our links with other agencies we would seek to source other protection measures such as 24 hour care-line services if available.

7. Publicity

7.1 The harassment policy will be promoted to residents to encourage them to report incidents and to let people know we will take action against residents who harass others. It will be publicised through the residents' newsletter, in a leaflet on dealing with harassment, the tenants and shared owners handbook and by making copies of this policy readily available. We will look to provide translations and information in other accessible formats, in line with the group's Accessible Information Policy. EMH Group will also seek to provide information about other support groups, including 24 hour help lines where these are available locally.

8. Working with other agencies

8.1 We will work with other agencies and will participate in multi-agency groups to support residents who have experienced harassment and other forms of hate crime. Such groups may include local Community Safety Teams and/or Crime and Disorder Partnerships.

9. Procedures and training

9.1 Appropriate training will be provided to all employees concerned with the implementation of this policy. Appropriate diversity related training encompassing the organisation's responsibilities in this area will also be provided to Board Members.

10. Monitoring

- 10.1 All incidents of harassment will be monitored over a period of at least 12 months and where the complainant wishes, we will maintain contact with and support all complainants.
- 10.2 Regular reports on the level of incidents will be made to the Group's equality and diversity scrutiny panel and to Subsidiary Boards who will consider whether there are any lessons to be learned or implications for policy review.
- 10.3 Once a case is closed, the complainant will be asked to provide feedback on their level of satisfaction or otherwise with the way in which the incident has been handled. The outcomes of this research will be reported to the Equality and Diversity Scrutiny Panel and to Subsidiary Boards. Owing to the potentially sensitive nature of complaints, consideration will be given to the appropriate method of seeking such feedback on a case by case basis, following consultation with the housing team providing support e.g. questionnaire, face to face interview, phone interview etc.

11. Complaints

- 11.1 Any complaints about how an allegation of harassment has been dealt with or about the conduct of staff may be made under the Associations Customer Complaints, Compliments and Suggestions Procedure. Details of this Procedure will be made available to any applicant who expresses dissatisfaction with any aspect of the service they have received.

12. Confidentiality

- 12.1 Strict confidentiality will be maintained at all times although victims will be encouraged to allow the association to share information with other agencies (including the police and local authority departments) to ensure that the full range of remedies can be pursued. All information provided by the victim however will be treated with the utmost confidence and only passed on to external agencies with prior consent.
- 12.2 All personal data should be handled in line with the Group's Data Protection policy and should comply with requirements of Data Protection legislation and principles.

13. Review of this Policy & Procedure

- 13.1 East Midlands Housing Group will review this policy and procedure in light of new case law and best practice. It will also be assessed after every investigated case to ensure that it provides adequate protection for the victims of, and remedies against perpetrators of, harassment.

14. Related Policies

14.1 This policy should be read in conjunction with:

- Kaleidoscope: Access for All Diversity Strategy
- Racial Harassment Policy
- Anti-social behaviour policy
- Domestic Violence Policy
- Accessible Information Policy

Date approved: 14 April 2008

Approved by:

Review Date: to be agreed (3 years max)