

FORTH HOUSING ASSOCIATION LIMITED

HARASSMENT POLICY

Governance:	Housing Management
Code:	HM 09
Approval:	July 2023
Review Date:	July 2026
Cross Reference:	GOV09Equal Opportunities HM03 Allocations HM04Anti-Social Behaviour M11 Rechargeable Repairs Policy



This document can be made available in various formats such as in larger print, audio-format and Braille. It can also be made available in other languages, as appropriate.

This policy has been developed to show what Forth Housing Association will do to prevent harassment and how we will deal with complaints of harassment.

Equalities

All groups included within the protected characteristics groups could be subject to harassment therefore this policy will effect them. These categories include age, race, sex, sexual orientation, gender reassignment, disability, religion or belief, marriage and civil partnership and pregnancy and maternity.

Privacy

There is no requirement to do a full Privacy Impact Assessment.

Policy Owner

Name: Mareta Greig

Date of Next Review: September 2026

FORTH HOUSING ASSOCIATION LIMITED

HARASSMENT POLICY

1.0 Introduction

- 1.1 This Policy sets out what we will do to help prevent harassment and how we will deal with complaints about harassment. We understand our responsibility to make sure that tenants can enjoy the quiet of their home. Our tenants also have a responsibility to make sure that their actions do not interfere with their neighbours' quiet enjoyment of their home.

2.0 General Principles

- 2.1 Harassment is behaviour usually targeted at a particular individual or family where acts of nuisance, which is usually anti-social behaviour, are caused by a lack of consideration or respect for others and on more than one occasion. This can be based on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation and can be defined as a Hate Crime. It is essentially unacceptable behaviour that is unwanted, unreciprocated and is regarded as offensive by the recipient, whether or not the harasser intended to be offensive.

3.0 Aims and Objectives

- 3.1 We aim to:
- Comply with legal duties, regulatory requirements and good practice standards
 - Set targets in relation to Harassment, monitor this process and report our performance, which is included in overall Anti- Social Behaviour complaints.
 - Ensure tenants are aware of their tenancy conditions
 - Resolve the problem, wherever possible, so that neighbours' can continue to live together without further problems.

4.0 Policy Framework

The Tenancy Agreement

- 4.1 The Association will ensure that all tenants understand their responsibilities and further to this will highlight the relevant sections of the tenancy agreement regarding harassment. This will be conducted at the sign up appointment and reiterated throughout the tenancy where applicable.
- 4.2 The Scottish Secure Tenancy Agreement states at section 3.1:

"You, those living with you, and your visitors, must not harass or act in an anti-social manner to, or pursue a course of anti-social conduct against, any person in the neighbourhood. Such people include residents, visitors, our employees, agents and contractors and those in your house."

4.3 The Scottish Secure Tenancy Agreement has defined harassment at section 3.2:

'Anti-social' means any conduct causing or likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to anyone's property. Harassment of a person includes causing the person alarm or distress. Conduct includes speech. A course of conduct must involve conduct on at least two occasions.

Recording of Incidents

4.4 Complaints of harassment can be made in writing, verbally or via electronic communication. Complaints can be made either by office appointment, by requesting a home visit, via email or My Forth or by sending documentation to our office. , We will investigate harassment complaints under Category A of the Anti-Social Behaviour Policy.

4.5 If the complainant wishes, we will maintain regular contact with them until a resolution of the complaint has been reached.

4.6 We will maintain an electronic register of harassment complaints. These will be included with our overall Anti-Social Behaviour complaints which are reported to the Scottish Housing Regulator.

4.7 We will report all incidents of harassment to the Association's Management Committee at the next quarterly Committee Meeting as part of our Anti-Social Behaviour complaints, primarily relating to indicator 15 of the Annual Return on the Charter – "% of ASB cases reported in the last year which were resolved". We will not disclose individual or identifiable details to the Management Committee in relation to such complaints.

Reporting of Incidents

4.8 We will encourage all incidents of harassment to be reported to Police Scotland for investigation.

4.9 We will maintain close links with Police Scotland during the investigation of the complaint and also following any proven incidents of harassment.

- 4.10 Individuals who become victims of intimidation, harassment or physical assault because of prejudice relating to Age, Race, Sex, Gender reassignment, Disability, Religion or belief, Sexual orientation, Marriage or civil partnership, Pregnancy and maternity will be the focus of the Multi-Agency Hate Response Strategy (MAHRS). MAHRS is a partnership between the public and voluntary sectors. Hate crimes will be reported to Police Scotland by the Association as a third party agency.

Action against the Perpetrator

- 4.11 Where the Association has reasonable grounds for believing that harassment has taken place a written warning will be issued, where appropriate.
- 4.12 If harassment continues, detailed reports will be made of each complaint and, with the complainant's consent; the matter will be reported to the police.
- 4.13 We may take legal action as a result of a tenant being in breach of a condition of their Scottish Secure Tenancy Agreement which can lead to an eviction.

Support to the Complainant

- 4.14 An individual's safety is paramount. The Association recognises that people have a right to a life free from harassment or abuse of any kind eg. racial harassment, domestic abuse.
- 4.15 We will provide immediate support to the complainant, ensuring that the member of staff interviewing the tenant can empathise with their situation and where possible provide a staff member of choice to provide such support. If the complainant consents, the support services of an outside agency will be sought where appropriate e.g. Women's Aid. However, if we have safeguarding concerns, we have a legal duty to share information with relevant agencies.
- 4.16 We will be a Third Party Reporting Agency for complainants who are not able or comfortable to report crime to Police Scotland themselves.
- 4.17 We will ascertain what steps are needed to enable the tenant to carry on living in the house. We will fully support where possible victims of harassment or domestic abuse to continue living within their home aided by the correct agencies. This will be in conjunction with our Allocations Policy.
- 4.18 In extreme cases, we may look at providing the tenant with alternative accommodation if the complaint of harassment is corroborated and they are unable to continue to live in their home. If we are unable to provide alternative accommodation, we will approach our neighbouring Council's and other Registered Social Landlords (RSL's) for assistance, and support the victims'

application for rehousing. In cases of Domestic Abuse we will follow legislation i.e Domestic Abuse Scotland Act 2018.

- 4.19 We will repair damaged or defaced areas that belong to us which have been damaged or defaced as a result of harassment as outlined within our Rechargeable Repairs Policy. Offensive material will be removed/rectified as an emergency repair as per our Estate Management and Reactive Repairs Policies. Where possible, we will provide improvements to home security in liaison with Police Scotland, where a complainant is anxious about remaining in their home.
- 4.20 We may offer mediation where appropriate. This will be conducted by an external agency if no trained staff are available.

5.0 Monitoring of the Policy

- 5.1 The Management Committee will review this policy at least every 3 years and staff are responsible for ensuring that it meets legal and good practice requirements.
- 5.2 The Head of Tenant Services will monitor and report the application of this policy through our quarterly performance reports.

6.0 Complaints and Appeals

- 6.1 Forth Housing Association welcomes complaints and positive feedback, both of which provide information which helps us to improve our services. We use a complaints procedure developed by the Scottish Public Services Ombudsman (SPSO) and the Scottish Housing Regulator.

The complaints procedure allows for most complaints to be resolved by front line staff within a five day limit (first stage), or if the complaint is complex, a detailed investigation will be made by a manager within a 20 day limit (second stage). At the end of the second stage our response will be made by a director. If the customer remains dissatisfied, he/ she may then refer the matter to the SPSO.

At each stage we will advise the customer how the complaint should be taken forward and advise which agency would be most appropriate to consider the case.

7.0 Equalities

- 7.1 Equality and diversity underpin all our activities and services. When delivering our services, we never discriminate on the basis of sex or marital status, race, disability, age, sexual orientation, language, social origin, or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions. Full details of our Equalities Policy can be found on our website

www.forthha.org.uk or can be obtained from our office.

8.0 Data Protection - Privacy

8.1 We recognise the importance of data protection legislation, including the General Data Protection Regulation, in protecting the rights of individuals in relation to personal information that we may handle, use and disclose about them, whether on computer or in paper format. We will ensure that our practices in the handling, use and disclosure of personal information as part of the processes and procedures outlined in this policy comply fully with data protection legislation. More information is available from our Data Protection Officer

9.0 Availability

9.1 This policy is available on our website and can be made available in a number of other languages and other formats on request.

10.0 Review

10.1 This policy will be reviewed at least every 3 years by the Management Committee and staff are responsible for ensuring that it meets legal and good practice requirements.

Appendix 1 Equality Impact Assessment Screening Questions

Forth Housing Association Ltd Equality Impact Assessment Screening Questions

Harassment

Will the implementation of this policy have an impact on any of the following protected characteristics?

- | | | |
|-----------------------------------|---|-----------------------------|
| 1. Age | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 2. Disability | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 3. Gender reassignment | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 4. Marriage and Civil Partnership | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 5. Pregnancy and Maternity | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 6. Race | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 7. Religion or belief | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 8. Sex | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 9. Sexual orientation | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

If you have answered 'Yes' to any of these points, please complete a full Equality Impact Assessment. If you have answered 'No', you need take no further action in completing an Equality Impact Assessment

Appendix 2 Equality Impact Assessment Screening Questions

Forth Housing Association - Privacy Impact Assessment

1. A substantial change to an existing policy, process or system that involves

- personal information Yes No
2. A new collection of personal information Yes No
- 3.. A new way of collecting personal information (for example collecting it online) Yes No
4. A change in the way personal information is stored or secured Yes No
5. A change to how sensitive information is managed Yes No
6. Transferring personal information outside the EEA or using a third-party contractor Yes No
7. A decision to keep personal information for longer than you have previously Yes No
8. A new use or disclosure of personal information you already hold Yes No
9. A change of policy that results in people having less access to information you hold about them Yes No
10. Surveillance, tracking or monitoring of movements, behaviour or communications Yes No
11. Changes to your premises involving private spaces where clients or customers may disclose their personal information (reception areas, for example) Yes No

If you have answered 'Yes' to any of these points, please complete a full Privacy Impact Assessment. If you have answered 'No', you need take no further action in completing a Privacy Impact Assessment.