

## FORUM HOUSING ASSOCIATION

Forum Housing Association is committed to the promotion of Equality of Opportunity, recognising that passive policies will not succeed in combating discrimination

All the Association's Policies and Procedures have implicit in them a determination to challenge discrimination and promote positive action to achieve Equality of Opportunity which is not a paper exercise but a reality.

The above statement is applicable to this policy.

## HARASSMENT – RESIDENTS/SERVICE USERS

### POLICY – (General)

Acts of harassment will not be tolerated by the Association. All residents/service users have a right to an environment which is free from harassment. Harassment is a criminal offence under the Protection from Harassment Act 1997.

Any individual complaining of harassment should have an expectation that:

- their complaint will be dealt with seriously and sympathetically.
- they can be assured that a full investigation will take place and that following this, appropriate action is taken against those responsible for actions of harassment/victimisation.
- the complainant will be made to feel supported in making their complaint.
- the Association will, where there appears to be a case for criminal prosecution, support and assist the victim in this action.

Clauses in the Tenancy/Licence Agreements clearly state that harassment is a serious breach of the terms of accommodation and that any acts of harassment will result in prompt action being taken. The Association is prepared to issue notice to anyone found to be committing an act of harassment.

Allegations of harassment, discrimination and bullying will be dealt with seriously and with discretion. Residents/Service Users will be protected against victimisation whilst either making a complaint or being involved in a complaint.

## DEFINITIONS

### Resident

'Resident' applies to all young people accommodated by the Association whether living under licence or tenancy.

## Service User

'Service User' applies to all young people receiving a service from the Association either by "Floating Support" or "drop in".

## Harassment

Harassment is a deliberate act (or series of acts) which interfere with the peace, comfort and dignity of another individual, to the detriment of their quality of life and which are committed against the individual(s) because of some aspect of them, their lives or their values.

Harassment may be on the grounds of a person's:

- Race
- Colour
- Gender
- Disability
- Ethnic or National origin
- Religion or beliefs
- Marital or family status
- Sexual Orientation
- Class
- Age, physical characteristics or other individual characteristic
- Health

Harassment takes many forms including:

- Verbal abuse
- Threatening or abusive behaviour – letters or telephone calls, dumping of rubbish, excrement etc in or outside the victim's home
- Graffiti – including written slogans, graffiti of an offensive nature within or near the victim's home
- Damage to property
- Physical assault – unprovoked physical assault including actual and grievous bodily harm
- Arson or attempted arson

## **Victim Centred Approach**

The Association's policies and procedures are victim centred, in that they concentrate on ensuring that the process of investigation does not add to the stress the victim may be undergoing, and that all stages of the process emphasise support to the victim. Trust and confidence in the procedures are paramount and will be assisted by an effective and timely response. The welfare and safety of residents/service users whose complaints form the basis of any action must at every stage of the process be the first consideration.

The Association will at all times consider alleged acts of harassment from the point of view of the victim. This means that where a victim believes an act to be, for example, racially motivated, it will be investigated as an act of harassment. It does not mean, however, that the alleged perpetrator is immediately judged to be guilty.

It is important to remember that harassment (or perceived harassment) may be as a result of mental, physical or emotional problems, which must be taken into consideration.

However, harassing behaviour is a breach of tenancy/licence and causes distress to its victims.

All situations will be dealt with sensitively.

The Association recognises that it may be necessary to transfer either the victim or the perpetrator while the investigation is being undertaken, whilst also recognising that to move a victim can sometimes be seen as a victory for the perpetrator. Where, however, full consideration of alternative options leads us to believe that a transfer of accommodation is in the resident's best interests, this will be arranged as a matter of urgency.

## **Victim Security**

Forum Housing Association will where reasonable provide additional security and personal safety enhancements including the use of panic alarms, increased surveillance and patrols and in serious or complex cases access to a named officer via the duty system.

## **Harassment versus nuisance**

The Association recognises that it is important to distinguish between acts of harassment and acts of nuisance. Nuisance is usually anti-social behaviour committed by people who do not care who is affected. A perpetrator of harassment will single out their victim(s).

For example, a resident who plays their stereo loudly late at night and disturbs the rest of the Project is creating a nuisance. A resident/service user who goes out of his/her way to shout at another person and no one else is committing an act of harassment.

## **Confidentiality**

Forum Housing Association is committed to the highest possible standards of professional conduct and competence. All members of staff are required to observe a confidentiality stance as per the Association's Policies and Procedures; Code of Conduct, Access to Information.

## Data sharing

Forum Housing Association will within their legal responsibilities under the Data Protection Act 1998 sign up to Local Authority protocols in respect of data sharing. Supported legislatively by Section 115 of the Crime and Disorder Act 1998, the protocols grant relevant authorities the power to share personal data when it is necessary or expedient to do so. Relevant authorities are listed as Local Authorities, Police, Strategic Health Authorities and the Probation Service. e.g.: Where there is a child protection issue or serious threats have been made that could put the young person and/or others at risk.

Responding to and investigating suspected or alleged abuse or neglect requires active co-operation between a range of practitioners and agencies. This may involve sharing information, which will be confidential to its source (the person who supplied it) and/or its subject (the person it is about).

Any information about a vulnerable adult shared within or across agencies should only be done in line with Forum Housing Association's policy on confidentiality i.e. on a 'need to know or informed current basis'.

Any decision to share information **without** the consent of the person who supplied it (source) or the person it is about (subject) needs to be carefully balanced – taking account of:

- The rights of the source and/or the subject to confidentiality at common law and their privacy under Article 8 of the European Convention on Human Rights (Human Rights Act 1998)
- The harm likely to result from not sharing the information.

Responsibility for making a decision to share information without consent should be made by a Line Manager or the Lead Officer in Safeguarding.

## What to do if you think you are being harassed

A procedure has been put together which indicates how you can be helped if you feel you have been subjected to any form of harassment.

### PROCEDURE

1. If you believe you have been the subject of harassment by anyone you should ask to speak privately to a staff member to make a complaint. If you believe that what you have been subjected to is harassment, then you should ask the staff member to use that phrase when recording the complaint.
2. The staff member will then arrange an appointment for you that day to complete a Harassment Complaint Form (HSC-HAR1) with you, at the place of your choice.
  - If the incident is an emergency and you feel unsafe remaining in your accommodation and are a resident of the Association then alternative, temporary accommodation will be sought.

- You can request to be interviewed by a male or female member of staff and the Association will endeavour, wherever possible, to ensure that this request is met. However, there may be some delay in doing so where the Project/Service has single cover or two same sex staff are on duty. You may also like to have someone such as a friend with you for support, this can be arranged with the staff.
  - Some forms of harassment may be caused by either graffiti or damage to your accommodation/belongings and may cause considerable distress, particularly if you perceive it to be of an offensive nature. If this is the case then arrangements will be made to repair the damage within 24 hours for Association residents. Staff will ensure that when they report the job for repair, they clarify that the damage is deemed to be 'harassment'.
3. If as a result of harassment you need to contact the police or any other support agency, staff will assist and support you with this. If you require a member of the staff team to accompany you, then arrangements will be made for this to happen.
  4. Any claim of harassment will be fully investigated within 48 hours by the Project/Service Manager (or Duty On Call Manager) and details will be recorded on the Harassment Checklist (HSC-HAR2).
  5. If the alleged perpetrator(s) is(are) identified as an Association resident they will be visited and interviewed within 24 hours by a Support Worker and details will be recorded on a Meeting Log (HSC-HAR3), in order to establish a picture. If you feel that this may put you at greater risk then staff will take action to prevent this, either by asking the alleged perpetrator to sign a Behaviour Contract (HSC-HAR4) to agree not to approach you, or in any way harass you, while the investigation is being undertaken, or in more drastic cases where there is considered to be a serious risk to yourself and/or others then a temporary transfer will need to be considered as described under 'Victim Centred Approach'.
  6. You will be asked how you would like to resolve the situation. If you feel that you wish the situation to be resolved 'informally' then every effort will be made to comply with your wishes. A number of 'informal' solutions may be available:
    - A three way meeting with a staff member and the harasser, he/she may not be aware of the impact their behaviour is having on you. It will be made clear that the behaviour is unacceptable and must stop;
    - If you feel unable to do this verbally, staff could assist you in writing to the perpetrator requesting that they stop.

In the case of this 'informal approach' details of the allegation, process and solution will be recorded on yours and the perpetrator's files for future reference and will be taken into consideration should further incidents occur.

## Formal Action

Formal action will be taken if the informal approach is unsuccessful, or if you believe it necessary because of the seriousness of the harassment against you.

The following actions will be taken:

1. The Project/Duty Manager will ensure that a thorough investigation is completed within 48 hours with all parties and witnesses being interviewed. Every effort will be made to ensure confidentiality is maintained. Any formal complaint will be reported to the Director of Housing Services who is responsible for ensuring full compliance with this policy.
2. Where necessary third parties including the Police will be involved.
3. Support will be arranged for both the victim and the alleged perpetrator if they are both residents/service users within the Association.
4. At the conclusion of the investigation the Project/Duty Manager will advise both parties of the outcome of his/her investigation.
5. If the allegations are upheld then appropriate action will be taken which may include the eviction and/or prosecution of the perpetrator.
6. Follow up support will be provided including referrals for additional / external support where it is deemed by yourself and your allocated Support Worker to be appropriate.
7. The Director of Housing Services will report to the Housing Services Committee on cases of harassment as and when they occur. However, steps will be taken to ensure your identity is not disclosed. The Housing Services Committee is made up of Forum Housing Association Board Members. Part of their responsibility is to ensure that all residents/service users are treated fairly within the set procedures.
8. Where a complaint is against a staff member, the Director of Human Resources will be involved in all stages of the investigation. Every effort will be made to ensure that you feel safe and free from harassment during the investigation period. This may include having systems in place to ensure that you no longer have any one to one contact with the staff member, a possible temporary transfer, or in extreme cases the suspension or transfer of the staff member involved while the investigation takes place. Any act of harassment by a staff member is considered to be gross misconduct and disciplinary action will be taken. This could result in dismissal.
9. Where allegations are deemed to be unfounded, every effort will be made to establish what it was that made you feel you were being harassed and to address those issues. Intentionally malicious allegations made against either another resident or staff member will be treated seriously and considered to be harassment in itself.
10. If you are not satisfied about the way your complaint of harassment has been handled you may ask for it to be considered by the Deputy Chief Executive. Requests should be made within 5 working days of notification of the outcome of the investigation

Other policies aligned to this policy and procedure:

- Health and Safety
- Safeguarding (of Vulnerable Adults)
- Protection From Abuse (of Children and Young People)
- Behaviour and Lifestyles
- Anti Social Behaviour
- Confidentiality
- Equality and Diversity
- Vandalism
- Complaints from Residents
- Code of Conduct
- Access to Information, Archives and Destruction

**Non-compliance with this policy may result in disciplinary proceedings.**

HSC-HAR1	Harassment Complaint Form - Residents
HSC-HAR2	Harassment Checklist
HSC-HAR3	Meeting Log
HSC-HAR4	Behaviour Contract - Harassment