

Kingston Churches Housing Association

The Caring Professionals

HARASSMENT & RACIAL HARASSMENT POLICY & PROCEDURE

1. INTRODUCTION

KCHA will treat any form of harassment as a serious matter. We will not tolerate any act of harassment committed against someone because of their race, ethnic or national origin, their gender, sexuality, religion, disability, lifestyle, age, health status or appearance. We will adopt a victim-centred approach when investigation allegations of harassment, i.e. we will accept the victim's view of what is happening to them and all investigations will be conducted carefully and sensitively. Victims will be given support and practical help to ensure they continue to live peacefully in their homes. Positive action will be taken against perpetrators of harassment wherever possible.

2. DEFINITIONS

2.1 Harassment

Harassment is a crime and an act of discrimination. Harassment has been defined on grounds of race, ethnic or national origin as someone engaging in unwanted conduct that has the purpose or effect of:

- Violating the other person's dignity; and
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

For the purposes of this policy we will use the above definition for all forms of harassment, including race, ethnic or national origin, their gender, sexuality, religion, disability, lifestyle, age, health status or appearance.

2.2 Harassment may take the form of:

- *Non-verbal* harassment such as writing offensive letters; freezing out/isolating, offensive gestures; offensive graffiti;
- *Verbal* harassment such as verbal abuse or threats; offensive jokes or derogatory nicknames; and
- *Physical* harassment such as assault, jostling, damage to property.

This list is not exhaustive and merely exists to provide examples of various manifestations of harassment.

2.3 Indirect Discrimination

Indirect discrimination is defined by the 2003 Race Regulations as:

“.....the use of apparently non-discriminatory provision, criterion or practice that puts people of a particular race or ethnic or national origin at a particular disadvantage compared with others, unless it can show that the provision criterion or practice is a proportionate means of achieving a legitimate end”.

2.4 Racial Incident

We accept the existence of a racial incident as defined by the McPherson Report on the Stephen Lawrence murder enquiry:

“.....any incident that is perceived to be racist by the victim or any other person”.

We will apply this definition of a *racial* incident to *all* forms of harassment.

3. OUR APPROACH TO HARASSMENT

- 3.1 Anyone committing acts of harassment will be in breach of tenancy and we will take any appropriate action against them.

4. MULTI-AGENCY APPROACH

- 4.1 We will seek to play as large a part in the community as is practicable, acknowledging that multi-agency working, especially in respect of racial incidents, is an important tool in tackling harassment successfully.
- 4.2 We will, where appropriate join, maintain, participate in and work positively with, local forums or similar organisations, including local police forces, local authorities, social services departments and local and/or national Councils/Commission for Racial Equality, committing to joint sharing protocols and multi-agency working where such exist.
- 4.3 We will work closely with the police on the collection of intelligence and evidence and in pursuing prosecution for offences that have been aggravated by, for example, racist motives.

5. DEALING WITH HARASSMENT

5.1 Breach of Tenancy

Tenants guilty of committing harassment, or who have encouraged or allowed any visitors to the premises to do so will be in breach of tenancy. Following investigation, where there is evidence of harassment, we will take appropriate action against the offender/s. This may include enforcing the conditions of the tenancy through court action, the use of injunctions and assisting the police with any criminal prosecutions.

5.2 Reporting an Incident

When an incident of harassment is reported to us, we will take a victim-centred approach, that is, we will accept what is being reported, and treat all allegations seriously. We will not make any judgements on them until an investigation of the alleged incident has taken place.

5.3 Action

Upon being notified of an alleged incident, we will respond by interviewing the alleged victim by no later than the next working day, either at their home or in the office, whichever they prefer.

Tenant victims who are considered at risk of violence or whose physical or mental safety is at risk will be offered all assistance and advice on temporary or permanent rehousing via the local authority *if that is their wish*.

Racist or offensive graffiti will be removed within one working day.

We will visit the offender, victim and witnesses to establish the nature of the incident/s as part of the investigative process.

We will gather evidence in order to take effective action against offenders.

We will keep alleged victims and witnesses informed as to the progress of the investigation and of proposed action against alleged offenders.

Notwithstanding any legal remedies we may have recourse to, we will offer non-legal remedies such as mediation and advice on coping with differing lifestyles.

5.4 Evidence

We will use all reasonable methods to gather evidence to support action against alleged offenders of racially motivated and other similar acts of harassment and make every effort to gain the confidence of victims and witnesses to report and give evidence of harassment incidents. They may involve:

- Obtaining written evidence from alleged victims and third part witnesses by way of diary sheets. Language interpreters may be used where appropriate.

5.5 Support for Victims and Witnesses

KCHA recognises that victims and witnesses may be subject to or fearful of intimidation and that this may influence their willingness to report incidents of harassment or to provide evidence. We will provide support and protection for witnesses and victims to reflect their needs. This may involve the provision of such things as:

- Liaising with the Police regarding the installation of panic alarms
- Assistance via the local authority with temporary or permanent re-housing if the victim wishes.
- Emergency repairs and graffiti removal
- Extra security facilities as appropriate, for example fireproof letter boxes, new window and/or door locks, installation of additional security lighting.

5.6 Action Against Offenders

While reserving the right to take immediate legal action against offenders, where appropriate and in partnership with others, we will work with offenders to stop further acts of harassment and thus maintain these people's tenancies. We also acknowledge the need, in some cases, to take action against parents whose children have committed acts of anti-social behaviour.

Where such support is refused and/or behaviour does not improve, enforcement action for breach of tenancy will be taken. Such action may involve:

- Injunctions
- Use of anti-social behaviour Injunction or Criminal Behaviour Order or Acceptable Behaviour Contract (ABCs) against offenders.
- Supporting criminal prosecutions through co-operation with and support to the Police.
- Obtaining demoted tenancies against offenders through the County Court. Demoted tenancies, introduced in the Anti-Social Behaviour Act 2003 (superseded by Anti-social Behaviour, Crime and Policing Act 2014) mean that a court may 'demote' an assured tenancy into an assured shorthold tenancy for a specified period. The effect of this is that possession is mandatory rather than discretionary. An application for possession of a demoted tenancy will be made only as a last resort.
- According to the nature of the case, obtaining suspended or outright possession orders through the courts, which may lead to eviction.

- We recognise the right of residents to take their own action under the Protection from Harassment Act 1997. We will also have regard to the requirements of the Race Relations Act 1976 (Amendment Regulations 2003). Among other changes, this now allows a complaint or claim to be brought in respect of racial harassment that occurs after the landlord/tenant relationship has ended.

5.7 Closing Cases

Cases will be closed in the following circumstance:

- When an investigation has been concluded, appropriate action has been taken and incidents have ceased.
- When we are unable to get sufficient evidence in order to take any action.
- When the identity of the alleged offender/s cannot be made.

We will consult victims and witnesses when we propose closing a case; any objections made will be taken into account before the final decision is made to close the case.

Dissatisfaction with the way in which we have handled a case of harassment will be dealt with through our complaints procedure.

We will provide an annual report of harassment incidents to the Housing Management and Maintenance Committee and to the Board, including information on:

- Numbers and nature of incidents reported.
- Action taken against offenders.

6. LEARNING AND DEVELOPMENT

We will provide training for staff to understand the issues surrounding racial and other forms of harassment, to provide appropriate support to victims and witnesses and to deal with, record, process and monitor harassment incidents of harassment. Training will also include helping staff to cope with difficult people and dangerous situations and keeping staff up to date with current best practice and legislation.

7. DATA PROTECTION AND CONFIDENTIALITY

We will keep up to date records of our membership of information-sharing joint protocols and will comply with their terms subject to compliance with current data protection legislation. We will comply with current data protection legislation and our confidentiality policy when considering matters of confidentiality with respect to sharing information.

We will always ask victims' and witnesses' permission before disclosing their identity, or any other information personal to them, to any third party and we will comply with their wishes.

8. OTHER POLICIES

This policy does not stand on its own but is linked to other documents and policies including:

- ASB, complaints, confidentiality, resident involvement, prevention of abuse, mutual exchange and whistleblowing.

9. REVIEW OF POLICY

This policy will be reviewed every three years.