



## Harassment Policy

**Date Approved by Operations sub-Committee:**

April 2023

**Date issued to staff:**

May 2023

**Due for Review:**

April 2026

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# Cernach Housing Association Harassment Policy

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## 1. Introduction

- 1.1 Cernach Housing Association has a zero-tolerance policy towards harassment, particularly on the grounds of a protected characteristic as defined by the Equality Act 2010.
- 1.2 This Policy is rooted in several areas of legislation, and takes account of best practice recommendations from the Scottish Government's independent advisory group on Hate Crime, Prejudice and Community Cohesion as well as the Hate Crime and Public Order (Scotland) Act 2021.
- 1.3 This policy links heavily with the Association's Neighbour disputes and anti-social behaviour policy and relevant legislation referenced therein, and will make periodic reference to actions contained within this, particularly in relation to managing incidents of harassment.

## 2. Policy Aims and Objectives

- 2.1 The overall aim of this Policy is to set out the Association's approach to managing incidents of harassment, particularly in relation to hate crimes. The specific objectives are to:
  - detail how the Association will proactively work to minimise incidents of harassment
  - detail how the Association will work to 'foster good relations' between groups in accordance with the public sector equality duty
  - adopt a victim-centered approach to managing reports of harassment
  - address incidents of harassment in line with the Association's neighbour disputes and anti-social behaviour policy
  - address ongoing issues of harassment through the Association's common allocations policy
  - work proactively and reactively with other agencies to address harassment

## 3. Legislative and Regulatory Framework

- 3.1 The provisions and implementing of the Harassment Policy aims to comply with the following legislation and statutory documents:
  - Housing (Scotland) Act 2001
  - Housing (Scotland) Act 2014

- Scottish Secure and Short Scottish Secure Tenancy Agreement
- Equalities Act 2010
- Hate Crime and Public Order (Scotland) Act 2021

3.2 We also operate this policy in line with The Scottish Social Housing Charter and specifically the following outcomes:

**Outcome 6: Estate Management, anti-social behaviour, neighbour nuisance and tenancy disputes**

Social landlords, working in partnership with other agencies, help to ensure that:

- Tenants and other customers live in well-maintained neighbourhoods where they feel safe

**Outcomes 7,8 and 8: Housing Options**

Social landlords ensure that:

- People at risk of losing their homes get advice preventing homelessness

**Outcome 11: Tenancy Sustainment**

Social landlords ensure that:

- Tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and other organisations.

3.3 We also operate this policy in line with the Scottish Housing Regulator's regulatory framework, particularly in relation to equalities and human rights. The SHR's framework advises that landlords should:

- Have assurance and evidence that it considers equality and human rights issues properly when making all of its decisions, in the design and review of internal and external policies, and in its day-to-day service delivery.
- To comply with these duties, landlords must collect data relating to each of the protected characteristics for their existing tenants, new tenants, people on waiting lists, governing body members and staff. Local authorities must also collect data on protected characteristics for people who apply to them as

homeless. Landlords who provide Gypsy/Traveller sites must collect data on protected characteristics for these service users.

## **4. Risk Management**

4.1 By having a written detailed policy for dealing with incidents of harassment the Association is able to ensure that a uniform and professional approach is adopted throughout the organisation and the service delivered is compliant with law, best practice and internal policy.

4.2 The risks of not having this policy in place are:

- The Association is in breach of duties in relation to harassment and the public sector equalities duty
- Tenants and residents do not feel safe in their homes
- Incidents of harassments are not well managed and could therefore increase
- Tenants and residents move out of the area to escape incidents of harassment, in turn leading to increased voids, loss of income and reputational damage

## **5. Equality and Human Rights**

5.1 The Association's Equality and Human Rights policy, which was approved by the Committee in April 2021, outlines our commitment to promote a zero tolerance to unfair treatment or discrimination to any person or group of persons, particularly on the basis of any of the protected characteristics<sup>1</sup>. This includes ensuring that everyone has equal access to information and services, and, to this end, the Association will make available a copy of this document in a range of alternative formats including large print, translated into another language or by data transferred to voice.

5.2 We are also aware of the potential for policies to inadvertently discriminate against an individual or group of individuals. To help tackle this and ensure that it does not occur, best practice suggests that organisations carry out Equality Impact Assessments to help identify any part of a policy that may be discriminatory so that this can be addressed (please see section 6 of the Equality and Human Rights policy for more information).

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<sup>1</sup> The Equality Act 2010 identifies the "protected characteristics" as age, disability, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, gender reassignment and sexual orientation.

5.3 In line with section 6 of the Equality and Human Rights Policy, the Association carried out an Equality Impact Assessment on this policy and no remedial action was identified as necessary. The full assessment is appended at the end of this policy.

## **6. Responsibility and Delegated Authority**

6.1 It is the responsibility of Housing Management Staff to implement this Policy as delegated by the Senior Housing Officer. Housing Management staff are responsible for:

- Receiving reports of harassment and investigating these within the terms of this policy and the neighbour disputes and anti-social behaviour policy
- Working with other agencies to address any incidents and promote a unified approach
- Implementing the Association's Common allocations policy where relevant under the terms of this policy
- Fostering good relations between groups and/or persons where possible when incidents of harassment may have occurred.
- Making all new tenants aware of the Association's approach to harassment through new tenancy sign ups.

6.2 The Senior Housing Officer has responsibility for:

- monitoring the performance of staff
- monitoring the operation and implementation of the Policy
- Review of the Policy.

6.3 The Depute Director retains overall control and decision making in relation to the Policy. The Depute Director will report to the Director on key performance indicators.

6.4 The Operations Sub-Committee will monitor cases on an exceptions basis where necessary as delegated by the Management Committee.

## **7. Prevention**

7.1 Cernach Housing Association recognises that as a responsible landlord, and significant presence in the area, there are preventative actions which can be made that could help limit incidents of harassment and hate crime.

## **7.2 Pre – tenancy**

- Before any allocation of property is made, a pre-allocation visit is carried out to discuss the applicant's circumstances and their suitability for a particular property. At this visit, there is an opportunity to discuss the Association's approach to neighbour disputes and anti-social behaviour and in particular, harassment as defined in this policy.

## **7.3 At start of tenancy**

- At the appointment to sign up new tenants, all new tenants sign the 'good neighbour agreement' as well as discuss the requirements of their tenancy agreement in detail. This is a further opportunity to discuss the expectations of tenants in relation to other people in the area, and in particular the expectations in relation to harassment as defined in this policy.

## **7.4 Communications**

- The Association will regularly publish information on our website, social media and through newsletters to detail the Association's zero-tolerance approach in relation to harassment. Copies of this policy, and the Association's policy on neighbour disputes and anti-social behaviour are available on our website and by paper on request.

## **7.5 Third party organisations**

- Cernach Housing Association has excellent connections with other organisations working in the local area, including community police teams, community councils and the Drumchapel Asian Forum. The Association will work constructively with other organisations to discuss any incidents of harassment or hate crime, and agree approaches to minimise this.

## **8. Victim-centred approach**

- 8.1 The Association will operate a victim-centred approach and will implement the Harassment Policy when the problem is perceived by the victim as one of harassment and/or there is evidence of harassment.
- 8.2 The Association will make every effort to ensure that victims of harassment are aware of their rights and the remedies available to protect them. The support and advice of community groups, specialist organisations and/or police will be sought to enable an effective response.

- 8.3 In conjunction with the victim the Association will consider all the evidence and information available and, taking account of the wishes of the victim, will pursue an appropriate course of action. Although the Association will endeavour not to proceed with any action against the victims' wishes, criminal behaviour or risks to other persons safety will take priority.
- 8.4 The Association recognises that victims of harassment will often feel unsafe in their surroundings and the actions of the Association alone will not be sufficient to remedy this. We will therefore aim to make referrals to appropriate agencies where required, such as Community Safety, Police Scotland or Victim Support.

## **9. Anti-social behaviour**

- 9.1 This policy outlines the special approaches which concern reports of harassment and hate crimes, which is a broader approach than our general approach to neighbour disputes and anti-social behaviour. This policy does however often make reference to the Association's policy on neighbour disputes and anti-social behaviour insofar as determining the legal actions available to the Association, should a tenant be reported to the Association for allegedly committing an act of harassment or a hate crime.
- 9.2 The neighbour disputes and anti-social behaviour policy therefore details specific processes and actions which can be taken. Given the Association's commitment to tackling harassment and hate crime within its area of operation, all complaints of harassment and hate crime under the terms of this policy will be treated as the most serious category of anti-social behaviour and will likely result in legal action against the tenancy of anyone deemed to be a perpetrator.
- 9.3 The neighbour disputes and anti-social behaviour policy details remedies more specifically, however these remedies will likely include Acceptable Behaviour Contracts (ABCs), interdicts, conversion to Short Scottish Secure Tenancy (SSST) and ultimately, eviction.

## **10. A zero-tolerance policy**

- 10.1 Cernach Housing Association will operate a zero-tolerance policy where it can be established that harassment or hate crime has been perpetrated. What this means in practice, is that some action will be taken, no matter the previous behaviour or previous good standing of the perpetrator.

- 10.2 Should a person found to be perpetrating harassment or hate crime within the terms of this policy and they are a tenant, they will be subject to as a minimum a written warning under the terms of the Association's neighbour disputes and anti-social behaviour policy. Should a member of a tenant's household be found to be a perpetrator, action will still be taken against the tenant.
- 10.3 Additionally, where action short of eviction is taken, the Association will work with perpetrators of harassment and hate crime to discuss their actions and identify how a better relationship with either the victim, or a particular group of people, can be built. This is in accordance with the public sector equality duty to foster good relations between groups.

## **11. Allocations**

- 11.1 The Association has a common allocations policy with other landlords in Drumchapel which is available separate to this document. While all attempts will be made to allow people to remain in their homes, we recognise that this may not always be possible. The Association therefore has a specific points category for victims of harassment and hate crime which equates to one of the highest individual points category available under this policy.
- 11.2 Additionally, the Association will not knowingly allocate homes directly beside known perpetrators of harassment or hate crime against a specific group, should that group be an applicant or member of the applicant's household.

## **12. Working with other agencies**

- 12.1 The Association will attend and contribute to any local meetings regarding anti-social behaviour and/or harassment and hate crime reports.
- 12.2 The Association will also attend local forums regarding community activity more generally in order to make connections with other local groups who may be able to assist tenants in relation to harassment or hate crime they are experiencing.

## **13. Complaints**

- 13.1 The Association has a published complaints policy & procedure, which can be used where there is dissatisfaction with this policy or the operation of this policy. Any tenant who feels aggrieved by their treatment under this policy can ask for a copy of the Association's complaints policy, which is available at the Association's office and on the website [www.cernachha.co.uk](http://www.cernachha.co.uk) .



- 13.2 As with all our service policies, the complaints policy can be made available in large print, translated or on tape. Tenants also have the right to complain to the Scottish Public Services Ombudsman if they are not satisfied with our stage 2 response.

## **14. Staff Training**

- 14.1 Cernach recognises that it is extremely important that the resourcing and training of staff is adequate to meet all the needs of its tenants. The Association is committed to making training relating to the effective management of reports of harassment and hate crime to all staff. Training should be updated as appropriate. Staff will be encouraged to network with other RSLs in order to share best practice.

## **15. Policy Review and Tenant Consultation**

- 15.1 The Association has offered the opportunity for tenants to feedback on this policy and will be considered in detail by the Operations sub-Committee.
- 15.2 The Association will publish a summary of this policy in our newsletters and make it available on the Association website.
- 15.3 The Management Committee will review the Harassment Policy every three years. This review will be brought forward if there is a need to respond to new legislation and/or policy guidance.

# Cernach Housing Association Equality Impact Assessment Tool



Name of the <b>policy / proposal</b> to be assessed	Harassment Policy	Is this a <b>new policy / proposal or a revision?</b>	Revision
Person(s) responsible for the assessment	Emma McShane		
1. Briefly describe the <b>aims, objectives and purpose</b> of the policy / proposal	The overall aim of this Policy is to proactively minimise incidents of harassment, and tackle incidents where they occur in a zero-tolerance manner.		
2. <b>Who is intended to benefit</b> from the policy / proposal? (e.g. <i>applicants, tenants, staff, contractors</i> )	Tenants, residents, owners, staff and applicants.		
3. What <b>outcomes</b> are <b>wanted</b> from this policy / proposal ? (e.g. <i>the benefits to customers</i> )	<p>To ensure that tenants and residents live in a well-maintained neighbourhood where they feel safe.</p> <p>To ensure legislation is followed to protect the rights of the tenant and the Association when applying this policy.</p> <p>To ensure that incidents of harassment, particularly hate crimes, are acted on swiftly and with a zero-tolerance approach</p>		

**4. Which protected characteristics could be affected by the proposal? (tick all that apply)**

X Age      X Disability      X Marriage & Civil Partnership      X Pregnancy/Maternity      X Race  
 X Religion or Belief      X Gender      X Gender Reassignment      X Sexual Orientation

**5. If the policy / proposal is not relevant to any of the protected characteristics listed in part 4, state why and end the process here.**

**6. Describe the likely positive or negative impact(s) the policy / proposal could have on the groups identified in part 4**

Positive impact(s)	Negative impact(s)
This policy is specifically designed to have a positive impact on those who are experiencing harassment or hate crime based on a protected characteristic and so will be beneficial for underrepresented or persecuted groups falling into any protected characteristic.	

**7. What actions are required to address the impacts arising from this assessment? (This might include; collecting additional data, putting monitoring in place, specific actions to mitigate negative impacts).**

None required



Signed:

(Job title): Corporate Services & Assurance Manager

Date the Equality Impact Assessment was completed: 22/03/2023

***Please attach the completed document as an appendix to your policy / proposal report***