

Epping Forest District Council
HOUSING SERVICES STRATEGY on
HARASSMENT

1. Introduction

1.1 This Housing Service Strategy sets out the Communities Directorate's approach to dealing with acts or allegations of harassment involving those accessing the Council's housing services. This includes the harassment of tenants of privately-rented residential property by their landlords, and, to a limited extent, of landlords by their tenants. It explains how this issue is dealt with by the Housing Service and includes links with other policies and services, both internally and externally. One of these is the housing service's 'Strategy and Statement on Anti-Social Behaviour Policies and Procedures' (Anti-Social Behaviour Strategy). Although harassment in the community may often be classed as anti-social behaviour, this Strategy deals more specifically with the issue of harassment and bullying.

1.2 The Housing Service's Strategy and Statement on Anti-Social Behaviour Policies and Procedures relates to the Council's approach to anti-social behaviour on its housing estates. It defines harassment and anti-social behaviour as "any act or omission which interferes with the peace and comfort of, or which may cause nuisance, annoyance, injury or offence to:

- tenants, members of their household, their visitors or neighbours;
- the Council's employees and contractors; or,
- any other member of the general public."

1.3 Anti-discrimination legislation defines harassment as any form of unwanted verbal, non-verbal or physical conduct with the purpose or effect of violating the dignity of a person, in particular by creating an intimidating, hostile, degrading, humiliating or offensive environment.

1.4 This Housing Service Strategy on Harassment is consistent with the Council's role as a good employer when dealing with harassment in the workplace. Further details about how the Council handles allegations of workplace harassment may be obtained from the Council's Human Resources Team.

1.5 Harassment can take many forms and can be triggered by many things. People may suffer from bullying or harassment because of their appearance, actions and habits or identity. Examples include harassment linked to a person's colour, religion, nationality, gender, sexuality, age, disability, cultural traditions and lifestyle. Harassment is defined by the impact on the recipient not the intention of the perpetrator. Harassment involves the abuse of some form of collective or individual power.

1.6 Harassment more often occurs as a result of a series of incidents which results in a damaging effect on the recipient. However, in some cases, a serious single incident may be sufficient to create a hostile and intimidating environment.

1.7 In privately-rented properties, harassment is commonly reported as a result of landlords interfering with the quiet enjoyment of those living in a property as their

tenants. An example of this would be if a landlord persistently withdrew services that are reasonably required for the occupation of the premises, such as the removal of hot water. It might also involve the landlord making constant visits to the property or entering the accommodation without permission. In these circumstances the harassment may be perpetrated in an attempt to get the tenant to vacate the premises.

1.8 Occupiers of residential park home sites have historically been particularly vulnerable to harassment by site operators that own the land on which the homes are sited. This may take various forms such as withholding services or facilities or preventing improvements to the home.

1.9 Owners of residential park homes can be subject to harassment by park home site operators who may, for example, actively prevent the sale of their home to a third party or take other bullying action for financial gain (for example, requiring that a homeowner can only purchase goods or services provided by the owner). The Mobile Homes Act 2013 amends previous legislation to address specific issues of harassment by site operators on owners and occupiers of park homes.

1.10 The Council is currently reviewing the condition of the accommodation of workers on commercial food growing nurseries in the District. Although many of these workers are living in mobile homes, they are not covered under the Mobile Homes Act. Like nursery workers that live in types of on-site accommodation, they are tenants and are protected from harassment in the same way as other tenants.

1.11 Dealing effectively with all forms of harassment, in and around residential buildings owned and/or managed by the Council and those subject to private renting, is an important role for the Council. The Council's Standard Tenancy Agreement for its own tenants was updated in February 2014. Under Section 8 it sets out conditions relating to nuisance and anti-social behaviour. More specifically, under Section 8 (a) it covers "harassment on the grounds of age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Breaches of these 'Conditions of Tenancy' could result in prosecution, an injunction and/or repossession of the premises.

1.12 With regard to issues in the private sector, the Council must have regard to the Regulator Code made under section 23 of the Legislative and Regulatory Act 2006 when considering enforcement action it may take including cases of harassment and illegal eviction in privately-rented living accommodation. Ultimately this could lead to the prosecution of a landlord, either in a Magistrates Court or in the Crown Court, with penalties upon conviction including a fine and/or imprisonment.

1.13 The Housing Service is well placed to promote equality, eliminate discrimination and foster good relations (statutory duties for public authorities) in its role as a housing authority, working in partnership with other registered social housing providers to develop and manage affordable housing in the District, and carrying out its statutory duties to maintain standards in private sector housing.

1.14 Furthermore, the Council has a role in supporting vulnerable tenants within the community and homeless people to whom a duty is owed, who may be more at risk of harassment by other people.

1.15 As with related issues, such as responding to racist, homophobic and anti-social behaviour, the Council works in partnership with relevant agencies through the Community Safety Partnership.

1.16 The Strategy has been developed in accordance with the provisions of the legislation identified in Section 5 and, where relevant, associated codes of practice.

1.17 The Housing Service Strategy on Harassment has been developed in consultation with the Tenants and Leaseholders Federation, the Anti-Social Behaviour Co-ordinating Group and the three Citizens Advice Bureaux.

1.18 The Housing Service Strategy on Harassment was considered in detail by the Council's Housing Scrutiny Panel and agreed by the Housing Portfolio Holder on xxxxx.

2. Background to the Service

2.1 The Council owns and manages a stock of around 6,400 properties in addition to which there are approximately 7,800 privately-rented properties throughout the District (Private Sector House Condition Survey 2011). There are Council homes in towns and villages throughout the District, while Chigwell, Loughton, Waltham Abbey, Epping and Ongar have some larger estates. The Council also works closely with several housing associations to develop affordable housing for rent. There are over 1,700 housing association properties in the District. Some people on the Housing Register (waiting list) are offered a housing association property for which the Council has nomination rights instead of a council-owned home.

2.2 The Council also has sheltered housing for older people and these are covered by 'Scheme Managers' who visit residents on every duty day. The Council also provides a homeless person's hostel, Norway House, in North Weald with around 40 rooms plus shared kitchen and bathroom facilities. A further 10 "chalets" with shared facilities are located in the grounds. The Hostel is overseen by a Manager and two Deputy Managers.

2.3 Careline is a twenty-four hour emergency alarm service provided to people living in sheltered housing as well as other vulnerable residents in the private sector.

3. Relationships with Other Documents

3.1 The following documents complement or have an effect on the Strategy:

- Housing Service's 'Strategy and Statement on Anti-Social Behaviour Policies and Procedures' (Anti-Social Behaviour Strategy);
- Community Safety Team Anti-Social Behaviour Investigation Procedures;
- Housing Service Strategy on Equality and Diversity;
- Housing Service Strategy on Housing and Neighbourhood Management;
- Housing Charter;
- Housing News;
- Housing Allocations Scheme;
- Housing Appeals and Review Panel Application Pack;
- Private Sector Housing Strategy;
- Private Sector Housing Enforcement Policy and,
- Standard Tenancy Agreement.

3.2 The following Corporate strategies, policies and procedures also have links with this Strategy:

- Corporate Equality Framework, Policy and Scheme;

- Corporate Safeguarding Procedures;
- 'Dignity at Work' and 'Grievance' procedures for Council employees;
- Staff equality/diversity training;
- CCTV Codes of Practice;
- Equality monitoring statistics and census data; and,
- Corporate Compliments and Complaints procedure.

3.3 The following strategies, policies, procedures and schemes delivered in partnership with other agencies, are also relevant to this strategy:

- Multi-Agency Public Protection Arrangements (MAPPAs);
- Multi-Agency Risk Assessment Conference (MARAC);
- Hate Crime reporting procedures (relating to racist, homophobic and transgender incidents, harassment and victimisation);
- Housing Services Guidelines for the Protection of Vulnerable Adults from Abuse;
- Floating Support Scheme for single adults with care and support needs;
- Safe and Sound Scheme for women experiencing domestic violence;
- EFDC Sanctuary Scheme for high risk victims of domestic abuse
- High and medium risk security surveys by EFDC, Police and Voluntary Sector for victims of domestic abuse;
- Mediation services; and,
- Careline twenty-four hour emergency alarm systems.

4. Aims and Objectives

4.1 The Communities Directorate condemns all forms of harassment and bullying and recognises that harassment is defined by the impact on the victim of harassment, not by the intentions of the alleged perpetrator.

4.2 The housing service in the Communities Directorate is committed to:

- Preventing harassment through positive action and the use of sanctions where necessary;
- Encouraging victims and witnesses of harassment to report it and seek help without fear;
- Taking seriously allegations of harassment;
- Supporting victims of harassment;
- Taking action to prevent further acts of harassment;
- Treating all parties with dignity and respect and taking action based on an objective and unbiased assessment of the situation, taking all the circumstances into account; and,
- Training staff to recognise and deal effectively with allegations of harassment in a fair and professional manner.

4.3 The target audience for this Strategy is:

- Epping Forest District Members;
- Staff in the Communities Directorate;
- Tenants and leaseholders in Council-owned residential properties and other people living in the same communities;
- Tenants and landlords in the private sector;
- Managing Agents; and,
- The Council's partner agencies.

- 4.4 The objectives of this Strategy are to:
- Raise awareness about the nature and impact of harassment within the community;
 - Raise awareness about the options and support for dealing with it;
 - Raise awareness about how the Council and its partners will respond;
 - Raise awareness about the implications for perpetrators of harassment;
 - Ensure that, wherever possible, incidents of harassment are always recorded and reported to the correct body;
 - Develop effective support mechanisms in partnership with other agencies;
 - Ensure allegations of harassment are properly and promptly investigated by people who understand the issues;
 - Take effective action against alleged perpetrators, in partnership with other agencies, using all legal remedies;
 - Ensure that Council staff and other people working with the Council are trained to identify incidents of harassment and know how to respond effectively;
 - Monitor the numbers and types of incidents and the actions taken by the Council in response; and,
 - Ensure that the Council meets legislative requirements.

5. Statutory Requirements

5.1 The following legislation has particular implications for services delivered by public authorities, including housing services, in relation to harassment and promoting good relations between people in the community:

5.1.1 Human Rights Act 1998

It is unlawful for a public authority to act in a way that is incompatible with rights in the European Convention on Human Rights. The Act includes the following rights to:

- Private and family life, home and correspondence (Article 8);
- Freedom of thought, conscience and religion and to manifest religion or belief, in worship, teaching, practice and observance (Article 9);
- Men and women of marriageable age have the right to marry and to found a family (Article 12); and,
- The enjoyment of rights and freedoms set forth without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status (Article 14).

5.1.2 Protection from Harassment Act 1997

- This legislation concerns any conduct classed as harassment, wherever it takes place.
- The Act provides for a civil or criminal remedy in cases of harassment of another person or putting them in fear of violence.
- Deliberate intent does not have to be proved – the test is whether a reasonable person would have known that such conduct would cause someone to feel alarmed or distressed.
- If harassment is found, actions taken could include an award for damages, an injunction, a restraining order, a fine or imprisonment.

5.1.3 Equality Act 2010

The Council has a number of responsibilities and requirements under the Equality Act 2010. Broadly these 'General Equality Duties' are to:

- Eliminate unlawful discrimination, harassment and victimisation;
- Advance equality of opportunity between those who share a 'protected characteristic' and those who do not; and
- Foster good relations between people who share a 'protected characteristic' and those who do not.

The 'protected characteristics' are age, disability, faith or belief, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race and sexual orientation.

The Council also complies with its duty under the Act to produce and publish equality information to demonstrate that it is complying with its equalities duties. This information has been published since January 2012 and is updated regularly.

5.1.4 Housing Act 1996

This Act includes:

- Discretionary powers for any Local Authority to introduce an Introductory Tenancy Scheme for all new secure tenants;
- An additional ground for possession for any tenant committing acts of domestic abuse; and,
- Proceedings in Anti-Social Behaviour cases expedited by the removal of the 4 week Notice period.

5.1.5 Crime & Disorder Act 1998

Section 17 (1) of this act requires each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

5.1.6 Anti-Social Behaviour Crime and Policing Act 2014

- Absolute power of possession for anti-social behaviour;
- Discretionary power of possession where tenant or person living with the tenant has been convicted of an offence committed at the scene of a riot;
- Criminal Behaviour Orders;
- Civil Injunctions to Prevent Nuisance and Annoyance;
- Community Protection Orders;
- The "Community Trigger";
- Amendments to the Dangerous Dogs Act 1991; and,
- Further controls on the licensing of fire-arms.

This legislation also allows for the response to anti-social behaviour cases to be reviewed if requested by individuals and that request meets an agreed threshold. This has been referred to previously as a 'community trigger'. Epping Forest District Council has published anti-social behaviour case review procedures which are consistent with Essex county wide procedures and agreed by The Police and Crime Commissioner.

5.1.7 Housing Act 2004

This Act covers:

- Powers to Extend the period of an Introductory Tenancy by a further 6 months;
- Right of a secure tenant to mutual exchange denied if they are the subject of an Anti-Social Behaviour Order; and,
- Right of a secure tenants Right to Buy denied if they are the subject of an Anti-Social Behaviour Order.

5.1.8 Protection from Eviction Act 1977

The Act specifies that landlords must apply to Court before regaining possession; and that any Notices served must give the tenant 28 days' notice.

5.1.9 Mobile Homes Act 1983 as amended by the Mobile Homes Act 2013

Section 2c (8) of the Act makes it an offence for a site operator to prevent a mobile home owner selling his home to a third party or to take any steps that are likely to have that effect.

5.1.10 Mobile Homes (Site Rules) (England) Regulations 2014

These Regulations were introduced under the Mobile Homes Act 2013 to protect mobile home owners from discrimination and unreasonable requirements by site operators.

5.1.11 Caravan Sites Act 1968 (as amended by the Mobile Homes Act 2013)

Section 3 of the Act covers:

- the illegal eviction of occupiers from their caravan (mobile home/park home);
- withdrawing or withholding services or facilities, or interfering with the peace or comfort of an occupier such that the occupier is likely to leave their home or be stopped from doing something they are entitled to do; and,
- The provision of false or materially misleading information that is likely to cause an occupier to leave their home or be stopped from doing something they are entitled to do, or which is likely to cause a potential purchaser of a caravan, not to do so.

6. Consultation, Information and Involvement

6.1 People likely to be affected by the Strategy and those who will be involved in advising or acting on harassment reports have been consulted on this Harassment Strategy prior to its implementation. This includes the following:

- Epping Forest Tenants' and Leaseholders' Federation;
- The Anti-Social Behaviour Violent Crime Tasking Group;
- The District's three Citizens' Advice Bureaux;
- Relevant managers within the Communities Directorate; and,
- The Council's Housing Select Committee.

6.2 When agreed by the Council, information about the Housing Services Strategy on Harassment will be made available to the general public through the Council's

web-site and to Council tenants, leaseholders and the consultees listed above through "Housing News", a regular newsletter to Council tenants. The purpose of the communication will be two-fold. Firstly, to inform residents where to get help and advice and secondly, to help prevent harassment by increasing awareness and understanding of what constitutes harassment, what the impact is and what the outcome for perpetrators could be.

7. General Principles

7.1 The Housing Service within the Communities Directorate provides protection for victims in the following ways:

- Protection of the homes of Council tenants or the immediate surrounding area e.g. by improving window and door locks, etc. In cases of immediate risk this could involve the provision of a sanctuary/safe room or Secured by Design approved security equipment
- Speedy removal of offensive graffiti;
- Temporary location of mobile, overt CCTV; and,
- Temporary or permanent re-housing.

7.2 In respect of the Council's secure tenants, a transfer to alternative accommodation does not necessarily solve a problem of harassment. The Council may grant a priority transfer to a tenant who is experiencing harassment, but only if there is clear evidence from agencies like the Police to confirm that the tenant would be at risk if they remained in their current accommodation.

7.3 Investigation:

- Where the allegation concerns a tenant of the Council, a full investigation will be undertaken by Housing Management in liaison with the appropriate agency, with the victim's agreement, following any reported incidents of harassment. If the victim does not wish the matter to be investigated, the incident will still be recorded and monitored. The victim will be contacted within three months to check if the harassment has continued. If not, the incident will be marked as closed. If the harassment is continuing, the victim will be encouraged to agree to an investigation.
- Positive steps will be taken to identify the alleged perpetrator(s) and, unless there are particular risks to the victim, the perpetrator will be informed of the allegations made and that the matter is under investigation.
- Where the allegation relates to the harassment of a tenant in the private sector, including park homes, by their landlord, once the housing status of the client has been assessed, the landlord will be contacted and given a chance to respond to the allegation. The landlord will be notified in writing of their obligations with regard to harassment and unlawful eviction and asked to provide assurances that they will cease the behaviour that led to the allegation. Should they fail to do so within ten days, enforcement action will be considered and where there is cause for concern, the tenant will be advised to log their complaint with the police.
- Council officers will give advice regarding allegations of harassment and illegal eviction to both private sector tenants and landlords, however, officers cannot advise both the landlord and tenant in an individual case.

In these circumstances the other party will be referred to Citizens Advice Bureaux or to further sources of information.

- Where the allegation relates to harassment of mobile home owner due to sales blocking an investigation will be carried out to establish all details of the case. Where appropriate proceedings will be taken against the site operator under the provisions of the Mobile Homes Act 2013, having regard to the Council's Private Sector Housing Enforcement Policy
- In all cases the Council will take account of the victim's wishes and the risk to their safety and welfare when considering what actions to take. The victim will be provided with regular updates on any action taken. In serious cases, the police may be informed and/or the Council may decide to investigate the matter without the victim's agreement. In all cases, the victim will be told what is happening.
- The investigator's role is not to take sides, but to impartially establish the facts of the situation.
- The Council will liaise with other relevant bodies during an investigation. If the investigation has to be suspended e.g. because the police or another party is taking action, the victim will be informed.
- When the investigation has been completed, all parties will be informed of the outcome.
- The rights of all parties will be fully taken into account when deciding on the best course of action following the investigation. This will include the extent to which the perpetrator was or should have been aware that their actions caused the victim to feel harassed, taking into account all the circumstances of the case.

7.4 Dispute resolution methods may be used where the Council considers that informal means of resolving the issue are likely to be successful. Options could include:

- Advice;
- Mediation between the parties involved;
- Requesting Council tenants to enter into Acceptable Behaviour Contracts (ABCs); and,
- Developing action plans with Council tenants.

7.5 Sanctions against perpetrators – if an allegation of harassment has been investigated and found to have taken place, the Council (or other body acting in partnership with the Council such as Essex Police) may take any of the following actions against the perpetrator in accordance with the Strategy and Statement on Anti-Social Behaviour Policies and Procedures.

7.6 Monitoring – all reported incidents of harassment will be recorded together with how the case is progressing including details such as: any further incidents, investigation, involvement of other bodies, resolution and any actions taken in relation to the victims and/or perpetrators. Each case will be reviewed (by checking with the victim) within three months of any final action to check whether the case can be marked as closed or whether any further action is required. The victim will be

asked to complete a questionnaire seeking their views on how the matter was dealt with, which will assist in service improvements.

7.7 Complaints – any complaints against actions taken or not taken by the Council will be progressed in accordance with the Council's Compliments and Complaints Procedure.

7.8 Appeals – if a resident is unhappy with a decision taken by the Council under this Strategy, they may appeal. In the first instance, the decision will be reviewed by the appropriate Assistant Director in the Communities Directorate. If the resident is unhappy with the outcome of that appeal, they may proceed to the Ombudsman Service.

7.9 Staff protection – Communities Directorate employees are subject to the Council's employment policies and procedures, which include:

- Safety Policy and Strategy and accident reporting procedures;
- Equality in Employment Policy; and,
- Policy on Lone Working.

7.10 Staff training includes:

- Diversity and Disability Awareness;
- Dignity at Work;
- Managing Difficult People;
- Managing Aggressive Behaviour;
- Investigation skills (for those required to carry these out); and,
- Safeguarding.

8. Action Plan

8.1 The following actions will be undertaken in the future by the housing service within the Communities Directorate:

Action	Lead Officer/s	Timescale	Resource Implications
Provide appropriate staff with training on the contents of the Strategy	All Managers	Ongoing	Within existing resources
Produce a leaflet to distribute to the public and partner agencies setting out the main objectives of the Strategy	Communities Support Manager	December 2015	Within existing resources

Action	Lead Officer/s	Timescale	Resource Implications
Include an article in the tenants magazine "Housing News" outlining the main issues covered by the Strategy	Communities Support Manager	December 2015	Within existing resources
Ensure that proper reporting arrangements are in place and any serious cases are reported to the Community Safety Partnership through the appropriate Group	Area Housing Managers	Ongoing	Within existing resources
Review and update Private Sector Housing Enforcement Policy.	Private Housing Manager (Technical)	Sept 2015	Within existing resources

9. Key Targets and Performance Monitoring

9.2 The results of the monitoring data will be regularly reported and assessed by the Housing Directorate and reported to the Anti-Social Behaviour Network Group (at least half yearly).

10. Reviewing the Strategy

10.1 The Strategy for Harassment will be reviewed in consultation with the Housing Select Committee, the Tenants and Leaseholders Federation and the Citizens Advice Bureaux before March 2018.