

# **Supplementary Committee Agenda**



## ***Housing Scrutiny Standing Panel Thursday, 27th July, 2006***

**Place:** Committee Room 1, Civic Offices, High Street, Epping

**Time:** 7.00 pm

**Committee Secretary:** Adrian Hendry, Research and Democratic Services  
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### **8.a Housing Harassment Strategy (Pages 3 - 22)**

To consider the attached report and attachment on the Housing Harassment strategy.

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## **Report to Housing Scrutiny Panel**

**Date of meeting: 27 July 2006**

**Portfolio: Housing – Councillor D Stallan**

**Subject: Housing Service Strategy – Harassment**

**Officer contact for further information: Roger Wilson, ext. 4419**

**Committee Secretary: A Hendry, ext.4246**

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### **Recommendations:**

**That the Housing Scrutiny Panel considers and endorses the Housing Service Strategy on Harassment, attached as an appendix, and provides any comments to the Housing Portfolio Holder for incorporation.**

### **Report**

1. Housing Service Strategies were originally produced around 5 years ago in accordance with an agreed standard framework, and have since been updated. The Housing Service Strategies give more detail than the Council's main Housing Strategy on the various housing services provided. In total, 15 Housing Service Strategies have been produced to date, covering:

House Sales & Leasehold Services	Rent Arrears
Rent Collection and Administration	Homelessness
Under-occupation	Housing Information
Tenant Participation	Private Rented Sector
Housing Management Services	Older Peoples Housing Services
Housing Allocations	Housing Advice
Empty Properties	Energy Efficiency
Anti-Social Behaviour	

2. The Strategies are produced to a common format that set out how individual housing services will be delivered. They have assisted Housing Services in achieving the Charter Mark award for customer service excellence, ISO 9001:2000 Quality Accreditation, and have been important to meeting the minimum requirement for Supporting People funding under the conditions of the contract.

3. The Housing Scrutiny Panel is asked to consider and endorse a new Housing Service Strategy on Harassment which is attached as an appendix to the report and provide any comments to the Housing Portfolio Holder for incorporation.

### **Consultation**

4. The Tenants and Leaseholders Federation will be consulted on the Strategy at their meeting on 29 August 2006. In addition, the Anti Social Behaviour Violent Crime and Tasking Group will be consulted on 17 August 2006.

**Resource implications:**

Budget provision: None

Personnel: None

Land: None

Community Plan/BVPP reference: N/A

Relevant statutory powers: Housing Act 1985

Background papers: Housing Services Strategy

Environmental/Human Rights Act/Crime and Disorder Act Implications: Sets out Housing Services approach to incidents of Harassment

Key Decision reference: (if required)

**Epping Forest District Council**  
**HOUSING SERVICES STRATEGY ON**  
**HARASSMENT**

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## **1. Introduction**

- 1.1 This Housing Service Strategy relates to the Council's approach to dealing with acts or allegations of harassment involving members of the public who are recipients of housing services. It sets out how this issue is dealt with within the Housing Service and includes links with other policies and services, both internally and externally. One of these is the Housing Services Strategy on Anti-Social Behaviour. 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 Services 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 Head of Human Resources and Performance Management.
- 1.3 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.
- 1.4 Dealing effectively with all forms of harassment, in and around residential buildings owned and/or managed by the Council, is an important role for the Council as landlord. The Council's standard Tenancy Agreement (Section 6.2) makes it clear that harassment of any person(s) could result in prosecution, an injunction and/or repossession of the premises.
- 1.5 Housing Services is well placed to promote equality and racial harmony (statutory duties for public authorities) in its role as a Housing Authority, working in partnership with Registered Social Landlords (RSLs) to develop and manage affordable housing in the District.
- 1.6 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.
- 1.7 As with related issues, such as responding to racist, homophobic and anti-social behaviour, the Council works in partnership with relevant agencies through various Groups set up under the Crime Reduction and Disorder Partnership.
- 1.8 Publication of this Harassment Strategy meets the requirement for social landlords to publish a statement of all policies and procedures and an associated summary under Section 218(A) of the Housing Act 1996.

1.9 The Strategy has been developed in accordance with the provisions of the following legislation and, where relevant, the associated codes of practice:

- Housing Act 1985
- Housing Act 1996
- Housing Act 2004
- Protection from Eviction Act 1977
- Crime and Disorder Act 1998
- Anti-Social Behaviour Act 2003
- Human Rights Act 1998
- Protection from Harassment Act 1997
- Race Relations (Amendment) Act 2000
- Civil Partnership Act 2004
- Disability Discrimination Act 2005
- Equality Act 2006.

1.10 The Harassment Strategy has been developed in consultation with the Tenants and Leaseholders Federation, the Anti Social Behaviour Violent Crime Tasking Group and the three Citizens Advice Bureaux.

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

## **2. Background**

2.1 The Council has a housing stock of around 6,700 properties. 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 1,200 housing association properties in the District. Some people on the Housing Register (waiting list) are offered a housing association property instead of a council home.

2.2 Sheltered housing is provided for older people and is staffed by Scheme Managers who visit residents on every duty day. The Scheme Managers also give support to the Council's Social Clubs for older people which are run by volunteer organisers and helpers. 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 supervised 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. Legal Framework**

3.1 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.

### 3.2 Human Rights Act 1998

It is unlawful for a public authority to act in a way that is incompatible with a Convention right. 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 their 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)
- The enjoyment of the rights and freedoms set forth to be secured 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).

### 3.3 Protection of 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.

### 3.4 Race Relations (Amendment) Act 2000

The Race Relations Code of Practice in Rented Housing gives specific guidance in relation to race equality in relation to providing Housing Services. Public authorities are required to meet a general duty to:

- Eliminate unlawful racial discrimination
- Promote equality of opportunity
- Promote good relations between persons of different racial groups.

### 3.5 Disability Discrimination Act 2005

From December 2006, public authorities will be required to meet a general duty to:

- Eliminate discrimination and harassment of disabled persons that is related to their disabilities
- Promote equality of opportunity between disabled persons and other persons
- Take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons



- Promote positive attitudes towards disabled persons
- Encourage participation by disabled persons in public life.

### 3.6 Equality Act 2006

From April 2007, public authorities will be required to meet a general duty to:

- Eliminate unlawful gender discrimination
- Promote equality of opportunity between women and men
- The duty to eliminate unlawful sex discrimination includes transsexuals.

### 3.7 Housing Act 1996

This Act includes:

- Discretionary powers for any Local Authority to introduce an Introductory Tenancy Scheme for all new secure tenants (Section 124)
- An additional ground for possession for any tenant committing acts of domestic violence (Section 145)
- Proceedings in Anti-Social Behaviour cases expedited by the removal of the 4 week Notice period

### 3.8 Anti-Social Behaviour Act 2003

This Act covers issues relating to:

- Closure Notices (Part 1 Section 1)
- Publishing of Policies and Procedures (Part 2 Section 12)
- Injunctions (Part 2 Section 2)
- Security of Tenure (Part 2 Section 12)
- Dispersal of Groups (Part 4 Section 30)
- The Environment/Noise/Graffiti (Part 6 Sections 40/41/42)
- High Hedges (Part 8 Sections 65/66/67)

### 3.9 Crime & Disorder Act 1998

This Act covers:

- Acceptable Behaviour Contracts
- Anti-Social Behaviour Orders

### 3.10 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
- Right of a secure tenants Right to Buy denied if they are the subject of an Anti-Social Behaviour Order

### 3.11 Protection from Eviction Act 1977

This Act covers:

- Requirement of landlord to apply to Court before regaining possession
- Any Notices served must give the tenant 28 days notice

## 4. Relationship with Other Documents, Strategies, Policies and Procedures

### 4.1 The following Housing Services strategies, policies and procedures are relevant to this Harassment Strategy:

- Housing Services Anti-Social Behaviour Strategy
- Housing Services Diversity and Inclusion Strategy
- Housing Services Housing Management Strategy
- Housing Services Equality Impact Assessments and Equality/Diversity Action Plan
- Housing Charter
- Housing News
- Housing Services monitoring data
- Housing Allocations Scheme (see paragraph 5.1c, paragraph 16 and App 1)
- Housing Appeals and Review Panel Application Pack
- Standard Tenancy Agreement (see section 6.2)

### 4.2 The following corporate strategies, policies and procedures also have links with this Strategy:

- Corporate Equality/Diversity Policy
- Corporate Equality/Diversity Action Plan
- The Council's Race Equality Scheme
- The Council's harassment procedures for its employees
- Staff equality/diversity training
- CCTV Protocol
- Equality monitoring statistics and census data
- Corporate Compliments and Complaints procedure

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

- Multi-Agency Public Protection Arrangements (MAPPA)
- 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 vulnerable single adults

- Stay Safe Scheme for women experiencing domestic violence
- Supporting People (led by Essex County Council)
- Mediation services (provided by Relate and Mediation Norwich)
- Careline twenty-four hour emergency Alarm systems.

## **5. Aims and Objectives**

5.1 Housing Services 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.

5.2 Housing Services is committed to:

- Prevention of 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.
- Training its employees to recognise and deal effectively with allegations of harassment in a fair and professional manner.

5.3 The target audience for this Strategy is:

- Epping Forest District Councillors
- Housing Services' staff
- Tenants and leaseholders of Council property and other people living in the same communities
- The Council's partner agencies

5.4 The objectives of this Strategy are to raise awareness about:

- The nature and impact of harassment within the community
- Options and support for dealing with it
- How the Council and its partners will respond
- Implications for perpetrators of harassment
- Ensure 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.
- Ensure the Council meets legislative requirements.

## **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 three Citizens' Advice Bureaux,
- Key staff responsible for each aspect of Housing Services
- Senior managers of other related services within Epping Forest DC
- The Council's Housing Scrutiny Panel .

6.2 When agreed by the Council, information about the Harassment Strategy will be made available to Council tenants, leaseholders and residents and the consultees listed above through an information leaflet and "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. The leaflet will be sent to key partner agencies.

## **7. Definition of Harassment**

7.1 The Housing Services' Anti-Social Behaviour Strategy refers to 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:

- any other tenants, member of their household, visitor or neighbour,
- the Council including the Council's employees and contractors or
- any other member of the general public."

7.2 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.

- 7.3 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.
- 7.4 Subtle forms of harassment, over time, can be just as damaging as overt harassment or bullying.
- 7.5 People can experience harassment, even if they were not the intended target or fall within the target group. For example, many people find bullying, racist, homophobic or other abusive behaviour towards others intimidating and offensive and would not wish to live or work in an environment where such behaviour was prevalent, even if it was not directed at them personally.
- 7.6 Harassment can be perpetrated via a number of means, for example:
- physical acts directed towards one or more persons or their property
  - spoken or written communications, e.g. face to face, in writing, pictures, cartoons, emails, telephone, text messages, etc.
  - non-verbal communication e.g. facial expression, tone of voice, gestures, body position, etc.
  - deliberate exclusion or avoidance.
- 7.7 The following gives some specific examples of harassment in the community, but there are many more:
- Public criticism, humiliation, ridiculing or demeaning someone
  - Fabricated allegations, spreading malicious rumours
  - Graffiti about an individual, a family or particular groups/types of people
  - Making statements or name calling that is racist, sexist, homophobic, etc.
  - Derogatory or demeaning comments about how a person looks or behaves
  - Unwarranted and persistent shouting, swearing and verbal abuse
  - Exerting control e.g. through emotional or physical pressure, threats and intimidation
  - Body language such as offensive or mocking hand gestures, staring at intimate parts of the body, eyeing someone up and down, etc.
  - Unwelcome sexual advances or suggestions, persistent unwanted communication, stalking
  - Deliberate exclusion or overt avoidance which makes people feel isolated and rejected
  - Putting people down, belittling/ignoring their contribution, showing lack or respect, rejecting an individual's rights
  - Damaging or interfering with a person's property, e.g. their home, car, garden, etc.
  - Road rage or parking vehicle(s) to deliberately inconvenience others

- Aggressive body language e.g. staring, making abusive or threatening signs, pushing, blocking the person's path, standing too close, etc.
- Jokes, cartoons, pictures, etc. that put people down or promote prejudice because of their nationality, colour, religion, sex, age, sexual orientation, disability, etc.
- Open hostility and intolerance towards different cultures, traditions, dress, food, an impairment, etc.
- Nuisance calls or excessive noise directed at an individual or family.

7.8 Harassment and bullying is always a misuse of power. Power comes from a variety of sources, such as:

- Physical, or perceived physical power – e.g. being stronger or taller, driving a more powerful or larger vehicle, etc.
- Controlling or possessing more money or other important resources.
- Emotional power – playing on another person's feelings of guilt, vulnerability, duty, honour, low self esteem or lack of confidence, etc).
- Position power – being in a position to enforce rules and over-rule others – a group leader, boss, parent, teacher or some other form of authority (not necessarily appointed in an official capacity).
- Status power – been seen as a leader or in some way superior which could be earned or bestowed.
- Intellectual power – articulate, able to win the argument, confuse, belittle.
- Group power – people may not take particular actions on their own, but they may feel empowered if others approve of or are encouraging their actions or they may fear being bullied or isolated themselves if they don't comply.
- Society/cultural power – in many societies, there are different expectations on how men and women will behave. (e.g. "boys will be boys", "a women's place is in the home"). People who do not fit the traditionally accepted ways of behaving may be harassed or abused by others as a result.

## 8. The Impact of Harassment

8.1 A person who is bullied or harassed may start out as a confident and capable person, attractive and popular with friends and colleagues and with everything to look forward to. However, the effects of constant harassment, over time, can lead to serious implications for their well-being. Victims of harassment frequently lose their confidence and may experience feelings of inadequacy, guilt, embarrassment, shame, powerlessness and worthlessness. These are often encouraged by the bully to keep their victim quiet. These negative emotions often lead to stress related illnesses and symptoms such as anxiety, panic attacks, headaches, nausea, ulcers, skin rashes, irritable bowel syndrome, high blood pressure, tearfulness, depression and ultimately, suicidal thoughts.

- 8.2 Harassment which is linked to something a person has no control over or is part of their culture and identity, such as their sex, race, religion, sexuality, disability, etc, can have a devastating effect on the individual and others who are close to them. For example, racial harassment can cause people to feel like a prisoner in their own homes if they are fearful of going out. It can affect when and where they and their family feel safe, making them constantly anxious and on-edge. In some extreme cases, the lives of women who wish to lead independent lives, people from minority groups or people attracted to people of the same sex have been in serious danger through criminal acts of violence.
- 8.3 The effects of isolation can be particularly felt in areas where there is little support from other people with similar identities or experiences. In such situations, victims of harassment may be less likely to speak out for fear of reprisals or of not being heard and understood. They will also have less access to support from others; they can become powerless.

## 9. Terminology

- 9.1 For the purposes of terms used in this Strategy, the following explanations are based on definitions used in anti-discrimination legislation and authoritative reports such as the MacPherson inquiry report following the death of Stephen Lawrence.
- 9.2 Racial harassment is defined as “an incident or series of incidents intended or likely to intimidate, offend or harm an individual or group because of their ethnic origin, colour, race, religion or nationality.” (*MacPherson report*)
- 9.3 People who are more likely to suffer from racial harassment are those from minority ethnic groups such as:
- Black people who are African, Caribbean, Asian or people of mixed heritage.
  - White people such as Eastern Europeans, Jews, Sikhs, Gypsies and Irish Travellers.

In the Epping Forest District, 8.7%<sup>1</sup> of the population are from a minority ethnic group, with the largest single group being Indian. The census does not break down the number of white minority ethnic groups residing in the Epping district, but this includes, among others, Italian communities, Gypsies and Irish travellers.

- 9.4 Religion includes any religious or similar philosophical belief (which is likely to include a form of collective worship, a clear belief system and a profound belief affecting the way of life or view of the world). Religion can define who you are, how you view the world around you and how you interact within it. The largest minority religious groups in the district are Muslim and Jewish (*2001 census*).

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<sup>1</sup> Source 2001 census - includes people with dual heritage.

- 9.5 Disability is defined as a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities. A few examples include: learning disabilities, some long-term medical conditions (e.g. diabetes, epilepsy), progressive illnesses (e.g. cancer, multiple sclerosis, HIV, Parkinson's disease), physical impairments (e.g. musculoskeletal disorders, Chron's disease, heart conditions), mental impairments (e.g. schizophrenia, manic depression, phobias which have a substantial effect on a person's life), facial disfigurement, sensory impairments (e.g. blindness, impaired hearing). It can be seen that many disabilities are not generally visible and people may need specially adapted facilities, support or services for reasons that are not always obvious to others. Harassment related to a person's disability is sometimes based on other people's misconceptions due to their lack of understanding or fear.
- 9.6 Sexual harassment refers to harassment that is related to a person's gender, married status and/or gender reassignment (transsexuals). Men are less often sexually harassed than women as men usually have more power. Sexual harassment may have a sexual content, but it also relates to harassment of a non-sexual nature if it is linked to the victim's gender.
- 9.7 Sexual orientation is defined as having a sexual attraction to persons of the same sex (lesbians and gay men), persons of the opposite sex (heterosexual) and persons of both sexes (bisexual). Sexual orientation harassment refers to actions relating to a person's actual or perceived sexual orientation.
- 9.8 Ageism is more often aimed at people at either end of the age spectrum, i.e. the very young or older people, as these are usually the groups with less power. However, some young people commit acts of bullying and harassment of others by drawing on group power plus their physical strength and agility. In housing estates, the people most likely to suffer from age related harassment are older people and vulnerable young adults.
- 9.9 Bullying is a form of harassment. However, someone who bullies another person may do so not because they belong to a particular racial or religious group or because of their sex or sexuality. The victim of bullying may be a family member, work colleague, neighbour or someone else with whom the bully has contact. For the purposes of this Strategy, the term 'harassment' is intended to encompass bullying.
- 9.10 Anything which marks someone out as different, living contrary to cultural expectations and norms or indicates a potential weakness or vulnerability can result in bullying and harassment. Housing Services is committed to supporting victims of harassment and to taking action to prevent harassment continuing.

## **10. Harassment Procedures**

10.1 The options open to victims of harassment include the following:

- Do nothing and tell no one – this option is very common but it is unlikely to resolve the matter. Victims often do not report harassment for reasons which include: fear of reprisals or that matters may get worse; thinking they won't be believed or taken seriously; lack of concrete evidence or proof; lack of trust in the process or powers of the authorities; believing that nothing can be done; depression or feelings of worthlessness or that somehow they have provoked the problem.



- Tell someone – a friend, relative or someone such as a counsellor, doctor or religious leader. Sharing the problem with someone like this may help the individual to cope with the situation, but it is unlikely to prevent it continuing.
- Seek advice via an experienced body such as Epping Forest Housing Services, the Citizens Advice Bureaux, Victim Support, South Essex Switchboard (for homophobic incidents) and Essex Racial Equality Council.
- Speak to the perpetrator and explain that their actions are causing distress or upset. This may be sufficient to stop any further inappropriate actions or behaviours. In this situation, it is most helpful if the person speaking to the perpetrator describes the specific actions that are causing the problem and the impact this is having on the victim without becoming emotional, labelling the perpetrator or assuming any particular motive. It may be helpful to take someone else along as a support and to act as a witness.
- Report the matter to an authority such as the Police, Epping Forest Housing Services, Essex Social Care Services, South Essex Switchboard (for homophobic incidents) and Essex Racial Equality Council or any other agency that offers support to people in the community.

10.2 Protection for victims available from Housing Services includes:

- Protection of homes or the immediate surrounding area e.g. by fitting fireproof letter boxes, improving window and door locks, etc.
- Speedy removal of offensive graffiti
- Temporary location of mobile CCTV
- Temporary or permanent re-housing

10.3 In respect on 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.

10.4 Investigation:

- 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.
- 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.

- 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.
- 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.

10.5 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:

- Mediation between the parties involved
- Acceptable Behaviour Contracts (ABCs)
- Developing action plans.

10.6 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 (see the Anti-Social Behaviour Strategy for further details):

- Ask the perpetrator to sign agree an Acceptable Behaviour Contract (ABC)
- Application to the courts for an Anti-Social Behaviour Order (ASBO)
- Application to the County Court for a Tenancy Demotion Order which would reduce the secure tenancy to non-secure for a period of twelve months, effectively putting the tenant "on trial"
- Commencement of possession proceedings possibly leading to eviction
- Seek to recover costs incurred e.g. for damage to the victim's property.
- Seek an Injunction to prevent the perpetrator from having contact with the victim, or to prohibit aspects of the perpetrators behaviour.

- Work with the Police or other agencies such as Environmental Services to commence criminal or civil proceedings.

10.7 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.

10.8 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 .

10.9 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 Head of Housing Services. If the resident is unhappy with the outcome of that Appeal, they may proceed to the Housing Appeals and Review Panel.

## **11. Impact on employees**

11.1 Staff protection – employees of Housing Services are subject to the Council's employment policies and procedures, which include:

- Health and Safety Policy and incident reporting procedures
- Equal Opportunities Policy
- Lone Worker Policy

11.2 Staff training includes:

- Equality/diversity
- Harassment/bullying
- Handling aggression
- Investigation skills (for those required to carry these out)
- The Ant-Social behaviour Strategy and this Harassment Strategy and associated legislative requirements.

## **12. Strategy Evaluation and Review**

12.1 In order to monitor the effectiveness of this Harassment Strategy, monitoring systems will be put in place to record:

- the numbers and types of harassment allegations reported orally and in writing
- the numbers and types of harassment reports that are investigated/followed up
- the outcomes of those investigations including any actions taken against the perpetrators

- feedback (on the reporting process, the investigation and the effectiveness of any actions to stop the harassment) from those people who reported harassment allegations
- The outcome and effectiveness of actions taken by any other relevant methods, including whether there are any further allegations of harassment by the same perpetrators or against the same victims.

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

### 13. Action Plan

The following actions will be undertaken in the future by Housing Services:

Action	Lead Officer/s	Timescale	Resource Implications
Produce a Housing Services Strategy to ensure that the requirements of the DDA 2005 are met	All Managers	December 2006	Within existing resources
Human Resources and Performance Management Unit to produce procedures to ensure the requirements of the Equality Act 2006 are met	Tony Tidey	April 2007	Within existing resources
To ensure that appropriate staff receive training on the contents of the Strategy	All Managers	On going	Within existing resources
Produce a leaflet to distribute to the public and partner agencies setting out the main objectives of the Strategy	Chris Sobey	December 2006	Within existing resources
To include an article in the tenants magazine "Housing News" outlining the main issues covered by the Strategy	Chris Sobey	December 2006	Within existing resources
To undertake a Census of all tenants which will better inform the issues set out in the Strategy	Chris Sobey	December 2006	Within existing resources

Action	Lead Officer/s	Timescale	Resource Implications
Ensure that proper reporting arrangements are in place and a 6 monthly report is made to the Anti-Social Behaviour Network Group	Nich Taylor David Barrett	On going	Within existing resources

#### 14. Reviewing the Strategy

The Strategy for Harassment will be reviewed in consultation with the Tenants and Leaseholders Federation, the Anti Social Behaviour Violent Crime Tasking Group and the Citizens Advice Bureaux before December 2009.

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