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Policy:	Harassment
Legal Requirements:	Antisocial Behaviour Etc, (Scotland) Act 2004 Housing (Scotland) Act 2001 Housing (Scotland) Act 2010 Housing (Scotland) Act 2014 Crime and Disorder Act 1998 Human Rights Act 1998 Equality Act 2010
Regulatory Standards:	The Scottish Housing Regulator has set out Regulatory Standards for all Registered Social Landlords (RSLs) to ensure that RSLs deliver good outcomes and services for its tenants and service users through good governance and financial management. This policy evidences that the following Regulatory Standards are being met: Standard 2. The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities. Standard 5. The RSL conducts its affairs with honesty and integrity.
Notifiable Events Guidance	In compiling this policy, consideration has been given to the Notifiable Events Guidance issued by the Scottish Housing Regulator and the impact of that guidance on the policy.
Equality and Diversity:	The Association is committed to Equal Opportunities and will endeavour to ensure that all services are carried out in an undiscriminating manner in line with the Association's Equality and Diversity Policy. In particular, the Association will not discriminate on the grounds of age, disability, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender, gender reassignment or sexual orientation.
Human Rights	In compiling this policy, consideration has been given to "The Right to Adequate Housing" (Fact Sheet No. 21/Rev.1) published by the Office of the United Nations High Commissioner for Human Rights and the impact of that guidance on the policy. In particular, the Association is satisfied that this policy promotes the key aspects of the right to adequate housing – that it contains freedoms; entitlements; provides more than four walls and a roof; and protects against forced evictions.
Complaints:	Although the Association is committed to providing high levels of service, we accept that there may be occasions where customers may not be satisfied with the service they have received. The Association values all complaints and uses this information to improve the services that it provides. The Association's Complaints Policy describes our complaints handling procedure and how to make a complaint.
General Data Protection Regulation (GDPR):	The Association will treat all customers' personal data in line with its obligations under the current data protection regulations and our Privacy Policy. Information regarding how data will be used and the basis for processing data is provided in the Association's Fair Processing Notice.



Policy Author:	Kevin Freeman
Policy Review:	In order to ensure that any change in circumstances is accommodated this policy will be subject to review every three years in the month of March.
Policy Approval:	This policy was last reviewed / approved by the Management Committee of Yoker Housing Association Limited at its meeting held on Thursday the 31st of March 2022.



Statement of Policy Aims / Principles

5 This policy aims to clearly outline the measures Yoker Housing Association will adopt for dealing with reports of harassment. The Association recognises the detrimental effect that harassment can have on residents and believes that taking the appropriate action in dealing with harassment and anti-social behaviour is vital in its efforts to achieve the objective of creating and maintaining a stable, balanced community where people feel safe and secure.

10 This policy applies where a tenant of the Association, a member of their household or a visitor to their home is involved in harassment. This policy should be read in conjunction with the Association's Anti-social Behaviour and Neighbour Nuisance Policy, Estate Management Policy and other relevant policies and procedures. The main aims and objectives of the policy are:

- To allow residents the opportunity to live peacefully in well maintained neighbourhoods where they feel safe within their own home free from harassment or threats or unnecessary or deliberate disturbance.
- To deliver an efficient and effective harassment service in a sensitive and consistent manner and ensure that the management of the service complies with legislation and best practice.
- To provide good quality information, advice and support to victims of harassment and to promote good tenancy relations.
- To take positive and decisive action in responding to and investigating incidence of harassment and make use of the appropriate measures available to resolve issues.
- To ensure that all tenants are made aware of the seriousness which the Association attaches to incidences of harassment.
- To work in partnership with Police Scotland, Glasgow City Council, Community Relations Unit and other support services to resolve behaviours or take appropriate action.

Legislation and Guidance

25 This policy has been written using best practice guidance and aims to comply fully with these and the requirements of legislation.

This policy reflects the Association's commitment to fully comply with Outcome 6 of the Scottish Social Housing Charter (SSHC) which states that:

Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes

30 "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".

35 The Association has considered the following key legislation in the development of this policy:

- Protection From Harassment Act 1997
- Antisocial Behaviour (Scotland) Act 2004
- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2010
- Housing (Scotland) Act 2014
- Crime And Disorder Act 1998
- Equality Act 2010
- Human Rights Acts 1998
- The Mental Health (care and treatment) (Scotland) Act 2003

Risk Management

50 By having a Harassment Policy the Association is ensuring that its responsibilities in this area and their commitments are stated, and that the seriousness of this issue is acknowledged and understood.

55 The risk of not investigating reports of anti-social behaviour thoroughly and taking corrective action is that it would have a detrimental impact on tenants' quality of life, the Association's reputation and ultimately leading to the Association's area becoming undesirable and as a consequence causing the housing stock to become difficult to let.



Policy Details

Definition of Harassment

5 Harassment can refer to a range of criminal and offensive behaviour motivated by the perpetrator's hatred of, or prejudice towards, someone including, but not limited to, the following personal attributes:

- Age
- Disability
- 10 • Marriage and Civil Partnership
- Religion or Belief
- Pregnancy and Maternity
- Race
- Gender
- 15 • Sexual Orientation
- Gender Reassignment

20 Harassment encompasses and manifests itself in a number of ways and includes physical attack, damage to property, verbal abuse, anonymous phone calls and letters, bullying and any other acts which cause the victim undue stress and worry and do not allow the victim a peaceful enjoyment of their home.

25 Racial harassment is violence which may be verbal, non-verbal (exclusionary) or physical and including attacks on property, as well as on the person, suffered by individuals or groups on the basis of their race, colour, ethnic origins or nationality. Racial harassment is a criminal offence and will be treated with the utmost seriousness by the Association.

The Association's Response to Harassment

30 All complaints of harassment will be dealt with in accordance with this policy and the Association's Anti-social and Neighbour Nuisance Procedures. The Association will operate a victim-centred approach to dealing with reports of harassment.

35 We will treat those involved in incidents of harassment with courtesy, respect and fairness and shall respond promptly and appropriately. Where there are concerns over harassment, ~~then~~ early intervention will be a key objective to prevent behaviours escalating. In all instances we will be sensitive to the victim's perception of the alleged harassment. Care will be taken not to prejudge the matter and receipt of a report does not necessarily mean that it is justified or ~~that~~ the allegations made are correct.

We shall endeavour to resolve all such issues amicably. Where this is not possible the Association will pursue all necessary action to ensure that no resident should have to suffer or feel threatened or insecure in their own home because of the actions of a tenant, member of their household or person(s) occupying or visiting their house.

40 We shall work with partners to manage reports of harassment across multi tenure properties. However, where there are limited actions that the Association can take we will notify the victim of the limitations and advise of the options they themselves might exercise and support agencies they can engage for independent advice and assistance.

45 Housing Management staff will be responsible for managing, monitoring and reporting on reports of harassment. Comprehensive details of interviews, letters, visits, actions and outcomes should be recorded in the Anti-social Behaviour and Neighbour Nuisance Complains Register and Case Files.

Action to be Taken by the Association in Cases of Harassment

50 The Association will take vigorous action against tenants where there is sufficient grounds to believe they are carrying out racially motivated attacks or harassment, using every available legal action against perpetrators, including prosecution and eviction. The decision on the pursuit of an appropriate course of action against the perpetrators will be determined by detailed examination of all available evidence and any involved support agencies. A wide range of approaches will be used to provide practical support for victims of harassment, whilst working in partnership with other agencies to create an environment which encourages harmony.

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Policy Details (Continued)

Serious forms of anti-social behaviour often involve criminal offences and the responsibility for dealing with crime rests primarily with Police Scotland. Where there are significant risks to an individual or the behaviour involves racial harassment, then the case will be referred to Glasgow City Council, Community Relations Unit for advice and assistance.

We will treat repairs, including the removal of offensive graffiti, arising as a result of harassment as an emergency and where required we will provide additional security measures as necessary. Where there is sufficient evidence to identify the perpetrator then Maintenance Services will charge the cost of any repairs to them.

Should the victim wish to be rehoused by the Association then transfer arrangements should be made as soon as is possible. Where the victim wishes to remain in their property, or to move locally, an effective support system involving other agencies such as Social Work Services or the Victim Support Scheme should be arranged and the situation should be closely monitored to ensure the support system is working particularly in relation to the victim's wishes.

Legal Action

Where legal action is to be initiated then Housing Management should discuss the situation with Glasgow City Council Community Relations Unit and take the most appropriate legal option available to remedy the situation.

Short Scottish Secure Tenancy Agreement

The Association may consider granting a Short Scottish Secure Tenancy (SSST) in cases involving anti-social behaviour which includes harassment. The Association can consider:

- Granting a SSST to a new tenant where that person, a visitor to their current accommodation, or a person that is likely to live with that person has, in the last three years, behaved anti-socially towards another person living in, visiting or carrying out lawful activity in the locality of the house occupied by the new tenant or by a person who is proposed to reside with the new tenant.
- Converting a Scottish Secure Tenancy (SST) to a SSST where the tenant, person living with or lodging with the tenant or any sub-tenant, has within the last three years behaved anti-socially towards another person living in, visiting or carrying out lawful activity in the locality of the house.

Prospective Tenants

If the Association decides to offer a SSST to a prospective tenant on the basis of anti-social behaviour, a notice must be issued to the prospective tenant(s) that sets out the grounds for a SSST and the term of the tenancy.

Existing Tenants

Where the Association decides to convert an existing SST to a SSST a notice must be issued to the tenant advising them that their SST is being converted because of anti-social behaviour.

Housing Support Services

When offering or converting a tenancy to an SSST, the Association is required to provide any housing support to the tenant that it considers appropriate. This is to encourage and support positive change in behaviour to help the tenant to sustain their tenancy and have the tenancy converted at the end of the term.

Term of an SSST

Any SSST granted on the basis of anti-social behaviour will be for twelve months from the date that the tenant is granted or the date the tenant is served with a notice converting the SST to a SSST.

At the end of the twelve month term the SSST cannot be continued by tacit relocation. The tenancy will automatically convert to an SST at the end of the twelve month period unless:

- The Association extends the term of the SSST for a further six months; or
- Takes steps to recover the property.

**Legal Action (Continued)**Extension of a SSST

5 The Association can extend the SSST for a further six months from the date which would have been the expiry of the twelve month tenant. In order to extend the tenancy, the tenant must be in receipt of housing support services and must have been served with a notice no less than two months before the date of expiry informing them of the extension and reason for the extension.

Glasgow City Council Community Relations Unit Court Procedures

10 Where a referral has been accepted by Glasgow City Council, Community Relations Unit, the appointed Community Relations Officer will keep the Association regularly advised of the progress of the case and call a case discussion meeting before a decision to commence any legal action is made.

15 The legal services which GCC provides relates to remedies available under the Anti-social Behaviour Etc (Scotland) Act 2004. Where Anti-social Behaviour Orders (ASBOs) are sought, GCC will be able to use the in-house solicitor service provided by Glasgow City Council's Legal Services Division of the Chief Executives Department. As well as dealing with legal representation in relation to ASBOs, the in-house solicitor for GCC will also be available to provide pre-court advice at the investigation stage to ensure that any delays in raising court action are minimised, best practice in relation to the investigation is promoted and to deal with any general queries of a legal nature that might assist the investigation process. Should a full ASBO be granted, the Association can serve notices on a tenant converting a Scottish Secure Tenancy to a Short Scottish Secure Tenancy.

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25 Solicitor advice is also available in relation to other remedies under the Act, which are police powers. These include a Police Officer of the rank of Superintendent or above, applying to the court for a Closure Order, or issuing a Dispersal Order. Any court appearances in relation to police powers are handled by Police Scotland legal services. However, the in-house solicitor will be available to provide pre-application legal advice on presenting an application to the police for such orders, attend any preliminary meetings with Police Officers and liaise with Police Scotland legal services as required.

30 The legal services provided by the in-house solicitor for GCC do not extend to raising court proceedings for eviction, any other legal actions to do with the tenancy, such as specific implement, debt related actions or judicial reviews. Any of these types of legal remedies will require to be undertaken by the Association.

Association Court Procedures

35 Where a notice of proceedings is served for a breach of tenancy, then the notice should specify whether the action is for eviction, a compulsory transfer, or a specific implement to enforce a tenancy condition or an interdict.

- Notice of proceedings

40 A notice of proceedings and guidance notes should be prepared and signed by the Housing Officer. The notice will provide at least twenty-eight day' notice before commencing court action and must be served by two Association staff members and a record of service attached to the notice. Where there is a joint tenancy, a notice of proceedings must be served on each of the tenants. A notice must also be served on each qualifying member of the household. Copies of any notices should be kept on computer and house files.

45 It is the responsibility of the Housing Officer to instruct the Association's solicitor accordingly and ensure that they are in possession of all necessary information for court hearings. A meeting with the Association solicitor will be arranged four weeks before the hearing to discuss full details of the case.

50 During the course of court proceedings Housing Management must keep the Association's solicitor advised of any contact made with the perpetrator or their representatives and keep the complainant advised of actions, implications and outcomes.

- Decree for Recovery of Possession

55 Where a notice of proceedings has been served and the tenant has failed to resolve the situation then Housing Management should instruct the Association's solicitor to initiate court proceedings. Housing Management should ensure that the Association's solicitor is in possession of all necessary documentation and liaise with them during proceedings.

**Legal Action (Continued)**

5 The Association's solicitor will forward the action to the Sheriff Court to raise proceedings against the tenant. If the court grants a decree for possession of the property in favour of the Association then Housing Management will present a report to the Management Committee providing details of the anti-social behaviour and the steps taken to resolve in order that a decision can be taken in the action. The final decision in eviction proceedings must be taken by the Management Committee.

10 Where Management Committee has decided to enforce a decree then Housing Management must serve a hand delivered letter to the tenant confirming the decision and provide information on support agencies that may be of assistance. Housing Management should instruct the Association's solicitor to make the necessary arrangements for the recovery of possession of the property. Once a date has been arranged for the recovery of possession, then a further hand delivered letter will be issued to the tenant to advise of the date of repossession, provide supporting information and confirm tenant responsibility for the removal of personal effects and belongings. The Association's solicitor will also instruct Sheriff Officers to serve notice on the tenant confirming the date of eviction. Housing Management will liaise with appointed support organisations, legal services, social work services and any other relevant organisations during recovery proceedings.

- Recovery of Possession

20 Housing Management, Maintenance Services and the appointed Sheriff Officers should be present at the arranged recovery of possession. It is the tenant's responsibility to make provision for removal of their personal effects and furniture prior to the eviction. Where belongings are found in the property after the eviction then Housing Management will attempt to contact the former tenant to allow three working days to remove personal effects and belongings. Where the former tenant's whereabouts are unknown or they fail to remove belongings within three working days then the Association will have the right to arrange for the clearance and disposal of the belongings and recharge the outgoing tenant.

Streamlined Eviction Process

30 The Association may consider initiating the streamlined eviction process where the tenant, any joint tenant, a person residing or lodging in the house or sub-tenant or person visiting the house has been convicted of

- Using the house or allowing it to be used for immoral or illegal purposes, or
- An offence punishable by imprisonment committed in, or in the locality of the house.

35 The streamlined eviction process removes the requirement for the court to consider whether it is reasonable to grant an order for eviction. When deciding whether or not to initiate the streamlined eviction process advice should be sought from the Association's solicitor and Glasgow City Council, Community Relations unit.

40 Prior to using the streamlined eviction process, the Association will seek to evidence the conviction by obtaining an extract conviction from the court. Where a decision is taken to initiate the streamlined eviction process the Association must serve a notice of proceedings on the tenant. The notice of proceedings must be served before the first anniversary of the date of conviction or in cases where the conviction was appealed, the day on which the appeal was dismissed or abandoned.

45 A notice of proceedings and guidance notes should be prepared and signed by the Housing Officer. The notice will provide at least twenty-eight days' notice before commencing court action and must be served by two Association staff members and have a record of service attached to the notice. Where there is a joint tenancy, a notice of proceedings must be served on each of the tenants. A notice must also be served on each qualifying member of the household. Copies of any notices should be kept on computer and house files.

50 During the course of court proceedings Housing Management must keep the Association's solicitor advised of any contact made with the perpetrator or their representatives and keep the complainant advised of actions, implications and outcomes.



Appeals Process

Any complaints about the level of service received will be dealt with under the Association's Complaints Policy and Procedures. The aim of the complaints procedure is to provide a review mechanism for anyone who feels that the complaint has been dealt with unfairly or they disagree with the decision.

Where a decision has been taken in regards to the complaint, then the subject of complaint / complainant can make a written appeal addressed to Housing Management. The appeal must be made within fourteen days of the letter of decision. The appeal will then be considered by housing staff not involved in the original decision. A written response will be provided within five working days. If the subject of complaint / complainant is still dissatisfied with the decision then a further appeal should be submitted in writing to the Association's director within fourteen days of the issued letter. The Association's director will investigate all the circumstances and will respond within five working days. If the subject of complaint / complainant is still dissatisfied with the decision then the complaints handling procedure will apply.

Confidentiality

Interviews and conversations with residents about personal and sensitive matters will be carried out in private. The Association will treat all reports of anti-social behaviour confidentially and will not disclose information to third parties or other organisation without consent. The only exceptions to this will be in cases where the Association has a legal or statutory duty to do so, where passing relevant information would facilitate data sharing protocols or would be essential to carrying out the Association's duties.

Quality and Performance Monitoring

The Association is committed to the delivery of a continuously improving neighbour nuisance and anti-social behaviour service. We will monitor and analyse perceptions of anti-social behaviour through surveys and interviews to establish how residents feel about their neighbourhood.

Performance under this policy will be monitored by annual reports to the Management Committee which including:

- The number of complaints of anti-social behaviour received by category;
- The involvement of Glasgow City Council Community Relations Unit; and
- The outcomes of each complaint.

In addition to the annual report, Management Committee will be provided quarterly performance information in relation to the following Key Performance Indicator (KPI):

- Percentage of anti-social complaint cases resolved

Management Committee Remit

The Management Committee shall agree the policy and procedures for anti-social behaviour including harassment, disputes and complaints. The Management Committee must always authorise eviction and the granting of a new tenancy where required.