

# ***Racial and Other Harassment Policy***

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## **1. Introduction/Purpose**

- 1.1 The purpose of this policy is to set out Rosehill's objectives in relation to the issue of harassment on the grounds of race, religion, sexual orientation, etc. The procedures will set out how Rosehill will carry out its objectives.
- 1.2 Rosehill owns and manages almost 1000 houses in the Pollok area and covers the specific neighbourhoods of Craigbank, Househillwood, Priesthill and Nitshill.
- 1.3 It is important that when setting the context for this Policy to recognise Rosehill's limited experience of dealing with Racial and other harassment problems. The problems that Rosehill's tenants face are largely of a wider anti-social nature including nuisance complaints e.g. loud music, D.I.Y. work at unsociable hours, children playing football in street, etc. Complaints of this type of harassment are seldom received. However, Rosehill recognises that this does not mean that such problems do not exist. We recognise that some tenants, particularly those from black and minority ethnic communities, are more likely to experience racial and other harassment and may fail to report such problems for fear of reprisals.
- 1.4 As such this Policy is seen as an integral part of Rosehill's overall policy on anti-social behaviour. However, due to the sensitive and specific nature of racial and other harassment Rosehill has produced separate guidance on dealing with the issue.
- 1.5 Rosehill recognises that all residents should retain the right to feel safe and secure in their own homes, and within the local community. In this respect, Rosehill will endeavour to ensure that no resident lives in fear of racial or other harassment or under threat of violence.

## **2 Legal and Regulatory Framework**

- 2.1 Whilst this Policy sets out to explain Rosehill's approach to tackling racial and other harassment it must do so in the context of legal and regulatory requirements. Therefore, the following relevant legislation has been taken into account in the development of this policy.
  - The Housing (Scotland) Act, 2001 incorporates and adds to the Housing (Scotland) Act 1987
  - The Equality Act 2010
  - The Crime and Disorder Act 1998
  - The Anti-Social Behaviour (Scotland) Act 2004
  - The Protection from Harassment Act 1997
  - The Criminal Justice and Public Order Act 1994
  - Sex Discrimination Act 1975
  - Race Relations (Amendment) Act 2000
  - Disability Discrimination Act 1995

## 2.2 The Scottish Housing Charter

2.3 The Social Housing charter came into effect in April 2012 and this sets the standards and outcomes that all social landlords should aim to achieve when performing their housing activities. The Charter replaces the Performance Standards and the outcomes relevant to this Policy are:

### 1. Equalities

Social Landlords perform all aspects of their housing services so that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.

### 2. Communication

Social landlords manage their businesses so that tenants and other customer find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.

### 3. Participation

Social landlords manage their businesses so that tenants and other customers find it easy to participate in and influence their landlord's decisions at a level they feel comfortable with.

### 6. Estate Management, anti-social, 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.

### 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 by other organisations.

2.4 Social landlords are responsible for meeting the standards and outcomes set out in the Charter. The Scottish Housing Regulator is responsible for monitoring, assessing and reporting on how well social landlords, individually and collectively, achieve outcomes.

2.5 In line with the regulatory principle, the Regulator's approach to monitoring landlords' achievement of the outcomes and standards in the Charter will be based on landlords' performance information and their own assessment of their performance. Therefore, for each year ending on 30<sup>th</sup> September, we will be expected to:

- Measure and assess our performance in progressing towards or achieving the Charter outcomes and standards
- Provide the Regulator with some key performance information on our achievement of the outcomes and standard
- Report our performance to tenants and other service users who use our services.

### **3. Defining Harassment**

3.1 For the purpose of providing the context for this policy, Rosehill has defined harassment as:

“verbal or physical and may include attacks on property as well as on the person, suffered by individuals or groups because of their race, colour, nationality or ethnic or national origins, when the complainant believes that the perpetrator was acting on grounds of harassment”

3.2 The definition of Harassment according to the Housing Scotland Act 2001 (Section 8 – Protection from Harassment Act 1997) states:

“Every individual has a right to be free from harassment and, accordingly, a person must not pursue a course of conduct which amounts to harassment of another and

- (a) is intended to amount to harassment of that person; or
- (b) occurs in circumstances where it would appear to be a reasonable person that it would amount to harassment of that person.

3.3 In the definition the complainant's perception of harassment is crucial and Rosehill's approach will therefore be complainant centred with the motivation behind any incident accepted as such unless on investigation it can reasonably be proved otherwise. Our primary consideration will therefore be the health, safety and welfare of the complainant and his/her family and support and encouragement will be given to the person suffering harassment at all times.

3.4 When visual evidence such as graffiti, damage to property or racist publicity is not evident, the dominant factor considered will be the complainant's daily fear of racial insults, humiliation or actual physical harm to their family and/or home.

## **4. Categories of Racial and Other Harassment**

- Racial Harassment
- Domestic abuse
- Religious or sectarian harassment
- Homophobic harassment
- Transphobic harassment
- Harassment of disabled people, including those with a learning disability.

4.1. To help determine what course of action should be undertaken staff should use the following categories:-

### **4.2 Category A – Very Serious Complaints**

Complaints which concern serious incidents of violence or threats of violence towards any member of the public including Rosehill's staff, serious assault, serious harassment, racial harassment, incidents of sectarian abuse and serious damage to property including fire raising. Complaints which concern verbal abuse and verbal/written harassment.

## **5. Dealing with Racial and Other Harassment**

### **5.1 Responding to Complaints of Racial and Other Harassment**

5.1.1 When dealing with Racial and other harassment complaints Rosehill adopts a 'victim-centred approach'. This means that from the outset staff will assume that harassment has indeed taken place and will proceed with the investigation on that basis.

5.1.2 All reports of serious Racial and other harassment, will be treated as a Category A – Very Serious Complaint and passed to Community Safety Glasgow to deal with on our behalf as part of the Silver Service Level Agreement.

5.1.3 The associated procedures set out how we will deal with these types of complaints. The procedures are in accordance with those agreed with Community Safety Glasgow as part of our "Silver Service" agreement with them.

### **5.2 Cross over with other Policies**

5.2.1 The harassment of neighbours on the basis of their race, colour, religion, sex, sexual orientation, disability, illness, etc. is treated very seriously by Rosehill. As such this Policy will interlink with our "Anti-Social Behaviour Policy" and Neighbourhood Management Strategy to deal with such issues.

### 5.3 Recording of Complaints

- 5.3.1. It is essential that good systems are in place for the recording of harassment complaints and will be an important source of information if legal action is required.
- 5.3.2 When an incident of racial or other harassment is reported to Rosehill the Housing Officer will log the complaint in the Omni ledger Anti-Social Behaviour package and flag to the Senior Housing Officer that a complaint of this nature has been received. The Housing Officer will carry out some basic enquiries to establish the facts and then refer the case straight to Community Safety Glasgow.
- 5.3.3 The Housing Officer will use form CR16 to make the referral to (CSG), these forms record details of who the complaint is against, who is making the complaint, the details of the problem, dates and times of the incident and any other relevant information as appropriate, the CR16 must be agreed by the Senior Housing Officer and signed by the Depute Director.
- 5.3.4 The Housing Officer will liaise with Community Safety Glasgow on a regular basis and report to the Senior Housing Officer on the findings until a conclusion has been met.
- 5.3.5 Where appropriate the victim will be encouraged to record details of subsequent incidents and report them promptly to Community Safety Glasgow, Police Scotland and Rosehill.

### 5.4 Allocations

- 5.4.1 Rosehill's Allocation Policy recognises the issue of harassment based on grounds of race, religion, sexual orientation, etc. Such applicants are treated with a degree of priority in terms of the points system used. If it is not possible or feasible to rehouse the tenant within its own housing stock, Rosehill will help the victim to explore other sources of housing by carrying out a "Housing Options" interview and make recommendations on the best ways for the victim to secure alternative accommodation. In the most severe of cases where the victim cannot remain in their current accommodation and there is no other available alternative the victim will be advised to contact the homeless casework team.

### 5.5 Preventative Measures

- 5.5.1 While the body of this policy relates to Rosehill's response to identified racial harassment, it is recognised that it should also be a main objective to take preventative steps where possible to overcome racial harassment.

## 5.5.2 Allocation Verification Visits

When visiting potential tenants, the opportunity will be taken to advise the applicant of Rosehill's overall policy on anti-social behaviour, including the issue of racial and other harassment. This will be done in the context of explaining the expectations of both the tenant and landlord.

## 5.5.3 Signing up

5.5.4 The tenant will be taken through the Scottish Secure Tenancy Agreement in some detail to ensure he/she understands his/her tenancy responsibilities in this respect from the outset. The issue of harassment on whatever grounds and how seriously Rosehill views such behaviour can be reinforced at this stage.

## 5.6 Post Allocation Visit

5.6.1 It is normal to carry out a "settling in" visit 4 weeks after tenants have moved in and again within 3 months of the tenant moving in. At this visit, staff will recap on tenancy issues previously discussed.

## 5.7 Reactive Measures

### 5.7.1 Removal of Graffiti/Security

5.7.2 Any offensive Graffiti on any property belonging to Rosehill will be reported to Community Safety Glasgow and removed within two working days and repairs involving the security of a property will be completed within a 24 hour period in accordance with current practice.

## 5.8 Other Sources of Information

5.8.1 Copies of the racial and other harassment policy are made available to tenants. Copies of the policy and information leaflet will be available on request at our office and on our website.

## 5.9 Victim Support

5.9.1 Rosehill will give consideration to the establishment of an effective support system, which will be relevant in any situation. This will include the involvement of Community Safety Glasgow, Police Scotland, Social Services, Community groups or organisations, which may offer assistance. Rosehill will monitor the situation throughout to ensure that the support system is working towards the desired aim and particularly with respect to the victim's own wishes.



5.9.2 In the event that the victim should request rehousing, as a direct result of these incidents, Rosehill will attempt to provide access to this solution in similar property within Rosehill's area of operation. Where this is not possible Rosehill will look for assistance from the Housing Options Team in trying to source housing via one of the other housing organisations who have signed up to the model; this option will be subject to the availability of suitable stock.

#### 5.10 Multi-Agency Approach

5.10.1 It is important to note that many Racial and other harassment issues cannot be resolved by the landlord alone. The involvement of other external agencies can be essential to combating Racial and other harassment problems. Therefore, we are committed to establishing links and good working relationships with Police Scotland, Social Services, Environmental Health, Environmental Protection Services, and Environmental Services, etc.

#### 5.11 Community Safety Glasgow (CSG)

In order to assist us in tackling Racial and other types of harassment Rosehill has entered into an agreement with Community Safety Glasgow to provide Rosehill with a range of services to tackle these and other types of Anti-social behaviours. The Silver Service Level Agreement includes Advice, Assistance and Guidance, ASB Investigation, use of mediation, Professional Witnesses, Covert Surveillance, preparation of Criminal Anti-Social Behaviour Orders (ASBOs), provision of relevant information relating to incidents or Racial and other harassment.

#### 5.12 Communication

5.12.1 In all cases it is essential that the victim be regularly informed of any progress with the investigation. This will include being advised of any action taken by Rosehill or any other agency acting on Rosehill's behalf and of the effect of any unforeseen problems which may arise.

5.12.2 In all cases the victim will be told straight away if we feel that their complaint has no basis or cannot be pursued due to lack of evidence.

5.12.3 Upon resolution of complaints the outcome should be confirmed, in writing, to the offender and complainant by Community Safety Glasgow.

### 5.13 Confidentiality

5.13.1 It is crucial for the safety of the victim, that staff should never contact the alleged perpetrator nor ask them to corroborate the victim's version of events.

### 5.14 Legal Action

5.14.1 Rosehill will do everything within its power to resolve harassment problems. However, if all other methods have been unsuccessful in tackling the problem, Rosehill will raise eviction proceedings against a tenant guilty of such behaviour.

## 6. Multi Tenure

6.1 In our geographical area of operation there is a reasonable level of owner occupation and private lets. We provide a factoring service to owners who reside amongst our stock. As such we recognise that harassment is not limited to tenants of social rented housing but is an issue which occurs across all tenures. Therefore, we aim to ensure appropriate mechanisms are in place to deal with the complex legal and practical issues associated with multi-tenure problems.

6.2 We will accept complaints from owners, factored owners and tenants of private lets about our tenants and will respond in accordance with this policy and attached procedures.

6.3 We will accept complaints about owners, and tenants of private lets. However, such complaints will be referred to CSG directly for investigation.

## 7. The Legal Process and the Role of the Management Committee

7.1 Rosehill will attain good quality legal advice at an early stage and, with the victim's approval, work closely with Community Safety Glasgow and the Police to ensure that all the resources within the law are used. We will aim to ensure that the victim is properly supported. We will continue to pursue the perpetrator even if the victim moves out to prevent any recurring problems for new tenants.

7.2 The Management Committee has delegated authority to the Depute Director to decide whether or not to pursue legal action against a tenant and this would include pursuing and enforcing ASBOs, conversion of tenancies to Short Scottish Secure Tenancies and ultimately a decree for eviction.

7.3 The Management Committee will receive reports on any pending ASBOs and eviction cases which are directly linked to serious cases of Racial and other harassment.

7.4 The Management Committee regards eviction as a last resort and expects that every other means of dealing with the matter will have been attempted. The purpose of the above reports is to demonstrate that all available options have been exhausted prior to any decision to enforce a decree for eviction.

## **8. Performance Management**

8.1 Racial and other harassment complaints are recorded as Anti-Social complaints and included in the Anti-Social Behaviour Complaints data gathered for Indicator 19 of the Annual Return of the Charter (ARC). On a quarterly basis, as part of the Organisational Performance Management Report, the Management Committee receives statistics on the achievement of resolution timescales as per ARC Indicator 19.

8.2 Target response times for dealing with Racial and Other Harassment complaints are the same as those targets set for dealing with Category A.

8.3 Periodically checks will be carried out on complaints received to ensure that staff are adhering to the policy/procedures and that the necessary records are being maintained.

8.4 Feedback will also be sought from tenants in relation to response times, the advice/assistance given, the methods used to resolve the problem, etc.

## **9. Tenant Participation**

9.1 We are a tenant focussed organisation and as such we are committed to involving tenants in all aspects of our work and ensuring that tenants are included, informed and consulted about decisions that have an impact on the way their homes are managed.

9.2 As part of this commitment we will involve our tenants in the development of our policies and seek feedback where appropriate. We will ensure that any significant changes to this Policy and other Policies which will affect our tenants will be the subject of consultation.

## **10. Equality and Diversity**

10.1 We are committed to ensuring equal opportunities and fair treatment for all people in our work. In implementing this Policy, we will provide a fair and equal service to all people, irrespective of factors such as gender, race, disability age, sexual orientation, language or social origin, or other personal attributes.

## **11. Risk Management**

- 11.1 In all key areas of our business we need to consider any risks which may arise. To this end we have in place a robust Risk Management Policy and from this flows our Risk Register. We have identified our “Top 5” risks which are regularly monitored by our Management Team and Audit Sub-Committee.
- 11.2 Key to mitigating the risks related to service delivery including incidents of Racial and Other Harassment is having a comprehensive policy and procedures in place. The policy should provide clear guidance for staff in how to deal with incidents of Racial or Other harassment and clear information for tenants on what they need to do if they are victims of Racial or other harassment.
- 11.3 To ensure we continue to manage the associated risks we will periodically review this policy to ensure compliance with all legislative requirements and regulatory and best practice guidance.

## **12. Complaints Procedure**

- 12.1 We aim to get things right first time and provide a good quality service to our tenants. However, we acknowledge that things can go wrong and that some tenants may be unhappy with the service provided.
- 12.2 We promote our Complaints procedure through our website and periodic articles in our newsletters. In addition, we initially issued all of our tenants with a copy of the new Procedure introduced in October 2012. This information leaflet is also issued to all new tenants as part of the signing up pack.

## **13. Data Protection**

- 13.1 On the 25<sup>th</sup> May 2018 the legislation governing data protection changed with the introduction of the General Data Protection Regulation (GDPR).
- 13.2 We hold a variety of Personal Data relating to individuals including tenants, waiting list applicants, factored owners, other service users, employees and Committee Members. Our Privacy Policy sets out the basis on which we can process and share such data with third parties, it also sets out how we will securely store individuals' data, whether electronically or in paper format. It also provides information on individuals' rights under GDPR including: to view personal data held about them by us; to request a restriction of processing of their data; the right to be forgotten and a right to object to us processing their data. In terms of the rights to be forgotten and to restrict or object to processing of Personal Data, any such requests will require to be considered on their own merits and legal advice will need to be obtained in some circumstances. We have the responsibility for accepting or refusing such requests and will do so in writing.

- 13.3 Under GDPR we are required to provide all customers whose Personal Data we hold with a Fair Processing Notice (also known as a Privacy Notice). The Notice sets out the Personal Data we process and the basis for doing so.
- 13.4 We will only keep and process Personal Data for the original purpose we gathered it for and we will not keep it for any longer than necessary. Attached to our Privacy Policy is a table of Retention Periods for Personal Data held and processed by us. We recognise that not all Personal Data can be processed and kept for the same period of time, and this will vary depending on the individual circumstances of each person whose Personal Data we hold.
- 13.5 The Privacy Policy sets out what should happen in the event of a Data breach e.g. does the breach require reporting to the Information Commissioner's Office and whether the individual affected should be notified. Timescales are set out for dealing with data breaches.
- 13.6 Full copies of our Privacy Policy are available upon request at our office or from our website [www.rosehillhousing.co.uk](http://www.rosehillhousing.co.uk)

#### **14. Policy Review**

- 14.1 This policy will be reviewed every five years or sooner to ensure it continues to reflect current thinking and practice to comply with legislative requirements and regulatory guidance.