

**HOMES POLICY DEVELOPMENT GROUP  
1 OCTOBER 2019**

**REVIEW OF HOUSING SERVICE HARASSMENT POLICY**

**Cabinet Member(s):** Councillor Simon Clist  
**Responsible Officer:** Mrs Claire Fry, Group Manager for Housing Services

**Reason for Report:** The Housing Service Harassment Policy requires review

**RECOMMENDATION:** That the Policy Development Group considers the proposed changes as set out in the tracked policy and that it makes recommendation to the Cabinet that the changes be adopted.

**Financial Implications:** There is a budget set aside within the Housing Revenue Account for managing Anti-social Behaviour (ASB) including harassment. The cost of legal action can sometimes be high but the Council is required to be pro-active to eliminate discrimination and harassment.

**Legal Implications:** The Housing Service is required to have policy and procedures in place relating to the prevention and management of racial and other forms of harassment. This policy was previously adopted to complement the revised draft ASB policy and procedures.

**Risk Assessment:** Failure to promote good relations between people belonging to different groups and to address complaints of harassment could lead to problems escalating. This could lead to victims experiencing distress and to the Council being exposed to reputational risk.

**Equality Impact Assessment:** The Council has statutory obligations to promote good relations between people belonging to different sections of society and to tackling racial and other forms of harassment. The Housing Service can ensure a consistent approach which is tailored to meet the needs of the people concerned by ensuring that there is an agreed policy and that staff implement it when responding to issues involving harassment.

**Relationship to Corporate Plan:** The Council must run the Housing Service efficiently and effectively in accordance with relevant legislation and also with the provisions of the regulatory framework.

**Impact on Climate Change:** The housing service has actively invested in energy efficiency; extensive use of solar PV and air source heat pumps already exists. The ongoing circa £170M 30 year maintenance programme has a significant focus on ensuring energy efficiency. Where sustainable options are available they are utilised; however, it is acknowledged that where there is a significant cost differential that plays heavily in the choices made.

We recognise that the provision of sustainable communities is important. As part of our commitment to meeting the provisions of the Tenant Involvement and Empowerment Standard within the Regulatory Framework for Social Housing, the Council offers a menu of involvement, which provides opportunities for tenants to get involved in service delivery. Tenants scrutinise the work of the Service and are also

involved in the development of our newsletter which is published periodically. We use this and social media to promote sustainability and therefore publish information relating to a variety of topics including fuel efficiency, recycling and healthy living.

Officers sometimes have to respond to emergencies such as those arising from serious incidents of anti-social behaviour (ASB). In such cases, safeguarding concerns will take priority in order to minimise risk and it is accepted that the ability to manage such issues effectively may have an environmental impact which would not occur if work can be planned in advance and managed in a more co-ordinated way.

## **1.0 Introduction/Background**

1.1 The Council is committed to ensuring good governance of the Housing Service and having an effective policy framework. The policy sets out how Officers will respond to and manage complaints of harassment in order to ensure a consistent approach.

1.2 Regulatory requirements relating to the management of ASB are contained within the Neighbourhood and Community Standard. In accordance with the provisions of this Standard, the Council is required to work in partnership with other agencies to prevent and tackle ASB in the neighbourhoods where we have a responsibility to provide neighbourhood services.

1.3 There is also a specific expectation that the Council should publish a policy on how we will work with relevant partners to prevent and tackle ASB in areas where we have a responsibility to provide neighbourhood services. The Council is required to have a published policy relating to ASB in accordance with the provisions of the Anti-social Behaviour Act 2003.

1.4 The Harassment Policy is a companion document to the Anti-social Behaviour policy and procedures and supports our commitments to:

- eliminate unlawful discrimination and harassment;
- promote good relations between people of different racial groups;
- maximise the reporting of incidents that are racially motivated;
- support complainant's and their families;
- and take action against perpetrators

1.5 The Council has a Single Equality Scheme which sets out how we are working to implement the equality duties that are set out in the Equality Act 2010. This legislation describes nine protected characteristics:

- Age
- Disability (including people with learning disabilities, people with a mental illness)
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race, including nationality, national or ethnic origin
- Religion or belief
- Sex

- Sexual orientation

- 1.6 The Council has a duty to promote equality and to eradicate discrimination in relation to these nine protected characteristics outlined in the Equality Act 2010.
- 1.7 Tenants Together (TT), the tenancy scrutiny group, had the review of the Harassment Policy on the agenda for its meeting on 8 August 2019. A verbal update on amendments suggested by the Group will be given at the meeting of the PDG.
- 1.8 Various support agencies were also consulted on the review of the Harassment Policy. The Manager at the Churches Housing Action Team (CHAT) confirmed that she and the Tenancy Support Senior Advisor had looked at the draft policy and had no comments.
- 1.9 The Co-ordinator of the Devon Mediation Service (DMS) wrote back in response to the consultation and said that a lot of the clients with whom the service works claim that they are being harassed. They noted that this was a very subjective issue and that although clients may believe that they are being harassed, it can often be very difficult for the mediator to work out whether or not this is actually so.
- 1.10 They expressed the view that there may be cases where the client perceives that they are experiencing harassment where mediation can be used.
- 1.11 Officers have liaised with colleagues in the Legal Service during the review of the Harassment Policy. In response to the issue raised by DMS, following further discussions, it has been agreed that mediation should not be recommended as an option in this particular policy.
- 1.12 The Housing Service has a separate policy on Anti-Social Behaviour (ASB) which contains a commitment to promote mediation at an early stage especially in cases where there is a clash of lifestyle, and encouraging neighbours to work together to find solutions. In accordance with this policy, Officers will complete a risk assessment matrix to enable them to work out who is vulnerable, for both complainants and perpetrators, where applicable. There are four categories with level one being used in cases which are high risk. The ASB policy states that this category will apply where there is a serious risk to the complainant and so will include race/hate crime, threats or use of violence.
- 1.13 Level two is used where a medium risk has been assessed, that is, where there is no immediate risk to the complainant.
- 1.14 Cases categorised as being in level three include ball games which result in damage to property, issues arising from a clash of lifestyles and neighbour disputes. The ASB policy states that most incidents judged to be low to no risk which are deemed to be in this category will be recorded only. It states that mediation will be offered but otherwise, there will be no further action.

- 1.15 In cases where there has been an anonymous complaint, the policy specifies that these will be recorded for information only.
- 1.16 Officers concluded that most cases where harassment is an issue will fall into category one and that, under the circumstances, mediation would not be appropriate given the serious nature of the complaint. That said, as demonstrated, the separate ASB policy states the commitment of the Housing Service to the promotion of mediation and our Officers will continue to suggest it as one of the options open to those who report low level nuisance, where appropriate.

## **2.0 Overview of policy**

- 2.1 The existing policy has been in use since adoption in 2015. Following a review, only a limited number of amendments are being suggested. These changes have been included on the policy document at Appendix 1 and are shown as tracked changes for ease of reference.
- 2.2 Members will note that a number of other references have been included as amendments. In particular, the revised policy includes further reference to the relevant provisions of the regulatory framework which apply in relation to the prevention and management of ASB.
- 2.3 A more detailed reference to the Council's own Single Equality Scheme has been included in an attempt to demonstrate a "more joined up" approach.
- 2.4 Information on related documents has been updated to make it more relevant.
- 2.5 The policy has been updated to take account of the Stalking Protection Act 2019. This new legislation created a new civil Stalking Protection Order to protect members of the public from risks associated with stalking. The Police apply for these Orders which can be used to impose restrictions and requirements on perpetrators. If they are breached, there is a criminal penalty. The role of the Housing Service will be to work in partnership with the Police and other agencies, as appropriate, in order to minimise risk.
- 2.6 An amendment has been suggested which reflects the structural changes within the Neighbourhood Teams. Until the end of September 2018, the Neighbourhood Teams were generic, meaning that each officer had responsibility for all aspects of housing management on a geographical patch. The Housing Service implemented a restructure in October 2018 which resulted in specialist teams being responsible for different areas of work. It is the responsibility of Neighbourhood Officers in the Estates Team to manage ASB issues which arise on our estates and this includes taking action to manage and resolve any harassment issues, as required.
- 2.7 Since the policy was first adopted in 2015, our standard terms of tenancy have been reviewed and the revised policy includes reference to the new clauses.
- 2.8 Members will note that in accordance with the conditions of tenancy, tenants, members of their households and visitors must not harass our staff or our

contractors, in their homes, in the vicinity of their homes or anywhere else, including in our office. This reflects the importance given to maintaining the health and safety of our Officers. Reference to relevant clauses within the tenancy agreement demonstrates the strong commitment of the Housing Service to this.

- 2.9 It has been suggested that the next review of the policy should take place in ten years and this amendment has been suggested as a tracked change in the updated draft of the policy. However, it should be noted that the policy will be reviewed earlier if there are any relevant legislative or regulatory changes or recommendations relating to good practice change.

### **3.0 RECOMMENDATION**

- 3.1 Members are asked to consider the amendments and to agree the adoption of the revised policy. In the meantime, the policy will be reviewed and revised to reflect any legislative requirements and/ or other guidance or good practice.

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**Circulation of the Report:** Councillor Simon Clist, Cabinet Member for Housing, Leadership Team

**List of Background Papers:**