



The Langstane Group

Harassment Policy

Approved by senior management team	28 November 2019
Board of Management / Committee name	n/a
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Version	V4

Policy Version	Date of Approval	Changes made to Policy
Version 1	30 October 2009	
Version 2		Full Rewrite
Version 3		Re-write (track changes document available on request)
Version 4	28 November 2019	Track changes for SMT consideration

1. Introduction

Langstane Housing Association is a Co-operative and Community Benefit Society and a registered social landlord with charitable status.

The Langstane Group (The Group) consists of Langstane Housing Association Limited, and its wholly owned subsidiaries. This policy applies to the Langstane Group.

Section 8 of the Protection from Harassment Act 1997 outlines the law in Scotland when dealing with harassment. It provides that every individual has a right to be free from harassment. It confirms that a person must not pursue a course of conduct which amounts to harassment of another person and is intended to amount to harassment of that person; or occurs in circumstances where it would appear to a reasonable person that it would amount to harassment of that person.

Harassment is legally defined as causing a person alarm or distress and is a course of conduct which has taken place on at least two occasions, however the Group will not tolerate any incidents of harassment, whether perpetrated by its tenants, employees, contractors, or others associated with the group. All reports of such harassment will be investigated and, where proven and within the Group's power, take suitable action against those responsible.

2. Policy Statement

The aim of this policy is to ensure that any incidents of harassment are identified, reported and dealt with in a robust, fair and consistent manner.

3. Objectives

The main objectives of this policy are to ensure those associated with the Langstane Group can:

- Recognise incidents of harassment, as they are expressed in a wide variety of behaviours, ensuring a consistent method is applied in the investigation of all reports of harassment
- Encourage a multi-agency approach in order that the right agency deals with any incidents in order to take the most appropriate action
- Publicise the Group's commitment to dealing with all reports of harassment as part of a zero-tolerance approach to unacceptable behaviour
- Deal with instances of harassment consistently and proportionately to the issues identified

4. Link to other policies / strategies

This policy links to a number of policies and corporate documents including but not limited to:

- Equality and Diversity Strategy and Policy
- Complaints Policy
- Unacceptable Actions Policy
- Anti Social Behaviour Policy
- Customer Care Charter
- Staff Handbook (Disciplinary and Grievance procedures)
- Health and Safety Policy
- Stress and mental Wellbeing at Work Policy

5. Policy

5.1. Categories of Harassment

Harassment is any unwanted conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

All complaints of harassment will be investigated regardless of the reason. The Association operates a zero tolerance approach to unacceptable behaviour. As harassment can constitute a criminal or civil offence, where appropriate, incidents will be reported to Police Scotland.

In general actions that may be classed as harassment may include:

- Repeated phone calls
- Stalking
- Unwanted letters, texts, emails or visits from a person
- Posting messages on social media about them
- Threatening, offensive, malicious, insulting and abusive behaviour
- Cyber bullying on the internet for example via Facebook, Twitter, YouTube, Snapchat and other social media forums
- Spreading rumours
- Blackmailing
- Bullying, including the use of personal strength or power to coerce through fear or intimidation, derogatory remarks about a person or their performance.

This list is not exclusive. Some incidents where a tenant makes a complaint of harassment by another tenant will be dealt with under the anti social behaviour policy.

There are different types of harassment. It is unlawful under the Equality Act 2010 to harass a person because of their age, disability, gender

reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality ethnic or national origin, religion or belief, sex or sexual orientation.

The following is a list of categories and behaviours that could be classed as harassment:

Sexual Harassment

- Unwanted non-accidental physical contact ranging from unnecessary touching, patting, pinching or brushing against someone, to assault and coercing sexual relations
- Unwelcome sexual advances, propositions or pressure for sexual activity: continued suggestions for social activity, after it has been made clear that such suggestions are unwelcome, offensive flirting
- Suggestions that sexual favours may further opportunities
- The display of pornographic or sexually suggestive pictures, objects or written materials
- Leering, whistling or making sexually suggestive comments or gestures, innuendoes or lewd comments
- Conduct that belittles or ridicules or constitutes intimidation or physically abusive of an individual because of sex, such as derogatory or degrading abuse or insults which are gender related and offensive comments about appearance or dress

Gender or sexual identity (perceived or actual)

- Offensive comments relating to a person's sexuality
- Threats to disclose a person's sexuality
- Offensive behaviour/abuse relating to HIV or AIDS status
- Refusal to acknowledge/accept an individual's gender identity, for example continuing to refer to them as "he" or "him" once identified as female or non-gendered

Racial/Religious/Belief Harassment

- Conduct that belittles or ridicules someone because of their race/religion, such as derogatory remarks, graffiti or jokes. Such conduct can be verbal or physical
- The display or sending of offensive letters or publications
- Threatening behaviour
- Being "frozen out" of conversation
- Jostling or assault, or other non accidental physical contact
- Derogatory nicknames or name calling
- Preventing access to shared facilities or benefits - for example, a communal garden

- This would include harassment based on any political belief (i.e. trade union, party political membership)

Disability Harassment

- Mimicking the effect of a disability or speech impairment
- Ostracising, "freezing out", ignoring and staring
- Making fun of a disability
- Use of inappropriate terms
- Inappropriate personal questions/comments about a disability
- Belittling or patronising comments/nicknames
- Moving a wheelchair without the user's agreement
- Practical jokes
- Touching a visibly impaired person (to annoy)

Age Discrimination

- Ridiculing or demeaning behaviour focused towards people because of their age
- Overlooking a person for promotion or opportunities for training due to their age

Marital/Relationship Status

- Spreading rumours/stories about an individual relating to their marital status or reason for marital status (this may be linked with sexual identity)
- Any action that excludes/isolates an individual within a community based on their marital/relationship status

The lists above are not intended to be comprehensive, but are indicative of types of behaviours that could be classed as harassment. Some of the behaviours are applicable to more than one category.

5.2. Dealing with Harassment

If a staff member believes they are being harassed they may wish to raise the issue informally with the person responsible, explaining their concerns as clearly as possible and asking the person to change or stop their behaviour. Alternatively the matter may be raised with a line manager to resolve the issue either formally or informally. These complaints will be dealt with under the grievance procedure.

5.3. Investigating Complaints

Harassment complaints made by tenants are dealt with using the Association's Anti Social Behaviour Policy. They are classed as a 'Category A' anti-social behaviour complaint and staff aim to deal with these within the locally agreed timescale of 28 days. Appropriate advice will be provided to tenants including recommendations to seek legal advice and report matters to Police Scotland.

Harassment complaints made by or against a staff member or a contractor or other customer will be investigated and where appropriate dealt with under the Association's Staff Handbook (disciplinary procedure) within the timescales stipulated. Serious cases of harassment will amount to gross misconduct. Staff who make complaints or who participate in good faith in any investigation should not suffer any form of retaliation or victimisation as a result.

Any deliberate false allegation will be treated as misconduct. Anyone found to have retaliated against or has victimised someone following a complaint will be subject to action under the Staff Handbook (disciplinary procedure).

6. Roles and Responsibilities

The roles and responsibilities are detailed in the Staff Handbook under the Disciplinary and Grievance procedures.

Housing Services staff are responsible for dealing with harassment by and against tenants as set out in the Anti Social Behaviour Policy.

7. Monitoring and Review

Complaints of harassment by tenants are administered as anti social neighbour complaints within the Group's housing management software. Information recorded includes the following:

- complainant details
- perpetrator details (if known)
- circumstances
- details of other agencies involved

The Group will adhere to the Anti Social Behaviour Policy including the escalation process and ultimately court action where harassment continues.

Complaints of this nature are reported anonymously to the Board of Management quarterly, within the general performance report and under the principles of data protection.

The Harassment Policy will be reviewed every three years or where there are significant changes to legislation which impact on the policy.

8. Equality and Diversity

The Association is committed to promoting equality and diversity across all areas of its work, and discrimination or harassment of any kind is not tolerated.

Right to Complain

In the event you are not satisfied with the service you have received, please contact the Association for a copy of the Complaints Policy, which can also be viewed on the Association's website – www.langstane-ha.co.uk

If you would like this document sent to you in large print, please contact Support Services on 01224 423000