



HARASSMENT & HATE CRIME POLICY
OCTOBER 2024
OCTOBER 2029

Policy on :	Harassment & Hate Crime
Compliant with Charter :	1: Equalities 2: Communication 6: Estate Management, anti social behavior, neighbour nuisance & tenancy disputes 11: Tenancy Sustainment
Compliant with New Regulatory Framework:	Regulatory Standards of Governance and Financial Management: Standard 2 and 6.
Compliant with Community Participation Strategy:	Yes
Compliant with Equal Opportunities :	Yes
Equality Impact Assessment	Yes
Compliant with Business Plan:	Objective 2: Refine our Customer Service & Support Model Objective 5: Invest in Partnership Working
Date of Board Approval	October 2018
Date Reviewed	October 2024
Date for next review :	October 2029
Responsible Officer :	Head of Housing

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1.0 Introduction

The Association's Policies which specifically refer to harassment and hate crime and the action we will take include:

- Equalities and Diversity Policy which applies to all Association staff and covers discrimination by and towards members of the public, governing body members, contractors and staff from other agencies
- Common Allocations Policy which identifies harassment as one of the highest priority needs for seeking rehousing
- Repairs Policy which recognises the need to remove offensive graffiti and repair damage caused by racist/offensive acts within emergency timescales.
- Neighbour Relations Policy which recognises harassment & hate crime as the highest level of category of ASB requiring immediate action
- Association's Tenancy Agreement Section 3 Respect for Others details tenant's responsibilities towards their neighbours. Part 3.1 states clearly that tenants, those living with the tenant and visitors must not conduct any form of harassment against any person in the neighbourhood.

Through applying its policies the Association will make every effort to ensure that victims of harassment or hate crime are aware of their rights and what remedies are available to protect them.

2.0 Aims & Objectives

The overall aim of this Policy is to set out the Association's approach to managing incidents of harassment and hate crimes. The specific objectives are to:

- Apply terms of our tenancy agreement in relation to respect for others
- Clearly define behaviour which would be categorised as harassment or hate crime
- Address incidents of harassment or hate crime in line with the Association's neighbour disputes policy
- To deal promptly with harassment and hate crime complaints, making full use of available legal sanctions as necessary
- Provide staff with clear guidelines on dealing with harassment and hate crime complaints
- Meet legislative & regulatory requirements in dealing with harassment and hate crime
- Address issues of harassment and hate crime through the Association's Common Allocations Policy
- Adopt a victim-centered approach to managing reports of harassment or hate crime
- Work in partnership with Council Services, Police Scotland and other agencies in tackling harassment or hate crime.

3.0 Definition

3.1 Harassment

Harassment is defined in the Protection from Harassment Act 1997 as:

“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 of harassment of that person.

Harassment can include a range of behaviours such as threats, verbal abuse, written abuse including via social media, damage to property, violent behaviour, stalking and behaviour that causes or is intended to cause alarm and distress. These are generally considered to be criminal offences and require the involvement of the police.

6.2.2 Racial harassment is where harassment is perpetrated against individuals or groups because of their colour, race, nationality or ethnic or national origins, when the victim believes that the perpetrator was acting on racial grounds and/or there is evidence of racism. Again, these are generally criminal offences and require the involvement of the police.

For the purposes of this policy, the Association assumes the definition of a racist incident to be in line with the Stephen Lawrence Inquiry (1999) which states:

“A racist incident is any incident which is perceived to be racist by the victim or any other person.”

3.2 Hate Crime

Hate crime is the term used to describe behaviour which is both criminal and rooted in prejudice. The legal definition of hate crime is “any crime which is understood by the victim or any other person as being motivated (wholly or partly) by malice or ill will towards a social group.”

The groups or ‘protected characteristics’ covered are:

- Race, colour, ethnic origin, or nationality (including citizenship), ethnic or national origins
- Religion or belief
- Transgender identity
- Sexual orientation
- Variations in sex characteristics
- Disability
- Age

Incidents may involve verbal, physical, or written acts and can take place anywhere in public or in private, including online. A victim does not have to be a member of the group to which the hostility is targeted.

4.0 Legislative & Regulatory Framework

The Association is required to act in accordance with the law. The key pieces of legislation are;

- Hate Crime Public Order (Scotland) Act 2021
- Data Protection Act 2018
- Housing (Scotland) Act 2014
- The Housing (Scotland) Act 2010
- Equality Act 2010
- Antisocial Behavior etc (Scotland) Act 2004
- Housing (Scotland) Act 2001
- Human Rights Act 1998
- Protection from Harassment Act 1997
- Scottish Secure and Short Scottish Secure Tenancy Agreement

Scottish Housing Charter

This policy also takes into account the requirements set out in the Scottish Social Housing Charter.

1. Equalities

2. 2. Communication

6. Estate Management, anti social behavior, neighbour nuisance & tenancy disputes

11. xx

- Outcome 6; 'tenants and other customers live in well-maintained neighbourhoods where they feel safe'
- Outcome 11: "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 other organisations"

The Association reports annually to the Scottish Housing Regulator (SHR) on its performance in respect to ASB. This includes cases where tenants report they have experienced harassment or hate crime. Each social landlord is required to submit the following to the SHR:

- The number of cases of ASB reported in the last year & of those;
- The number of cases resolved in the last year

The Association will also have regard to Section 3 of the Scottish Secure Tenancy Agreement which states:

'You, those living with you, and your visitors, must not harass or act in an anti-social manner to pursue a course of anti-social conduct against, any person in the neighbourhood. Such people include residents, visitors, our employees, agents, and contractors and those in your house.'

In particular, you, those living with you and your visitors must not:
'harass or assault any person in the house, or neighbourhood, for whatever reason. This includes that person's race, colour or ethnic origin, nationality, gender, sexuality, disability, age, religion or other belief, or other status.

We also operate this policy in line with the Scottish Housing Regulator's regulatory framework, particularly in relation to equalities and human rights. The SHR's framework advises that landlords should: "Have assurance and evidence that it considers equality and human rights issues properly when making all of its decisions, in the design and review of internal and external policies, and in its day-to-day service delivery."

Equality and Diversity

We are committed to preventing discrimination and providing equal opportunities for everyone. In applying this policy we will not discriminate against any individual, household or group on grounds of race, gender, sex, marital status/civil partnership, gender reassignment, sexual orientation, pregnancy or maternity, religion or belief, language, social origin, disability, age or any other personal attribute.

We will make this policy available in alternative formats such as large print or Braille on request. Translation services for other languages can also be made available and where practical we will arrange for an interpreter if you speak a language other than English.

An EIA was considered by Alan Graham (Advice and Projects Manager in October 2024. They were satisfied that this policy does not have any obvious negative impact on protected groups but will be reviewed at next policy review date.

Wider Framework

We recognise that the delivery of other services provided by us can make a positive impact on either resolving or reducing the risk of harassment. These are;

- Common Allocations Policy
- Neighbour Relations Policy
- Short Scottish Secure Tenancy Policy
- Domestic Abuse Policy

Multi Agency Working

PHA recognises that we cannot prevent or manage harassment or hate crime without working in partnership with other agencies. The Association will work with various external agencies, These include:

- Police Scotland
- Renfrewshire Council's Community Safety Partnership (CSP)
- Social Work & related support agencies

Where a report of harassment or hate crime has been reported to the Association and the Police and is regarding the conduct of a tenant of the Association, a member of their household/visitor or, if the complaint is made by a tenant of the Association in relation to an occupant of a property factored by our subsidiary Paisley South Property Services. We will refer the case immediately to Renfrewshire Council's Community Safety Partnership (CSP) as per our Neighbour Relations Policy.

To facilitate collaborative work we will;

- Complete and maintain data sharing protocols with our partner agencies.
- Attend regular meetings at the Community Safety Hub

Preventative Action

We recognise that as a responsible landlord and significant presence in the area, there are preventative actions which can be made that could help limit incidents of harassment and hate crime.

Pre Tenancy

Before any allocation of property is made, there is an opportunity to discuss at the housing options appointment and at a viewing of a property, the Association's approach to neighbour disputes and anti-social behaviour and in particular, harassment and hate crime as defined in this policy.

Start of tenancy

At the appointment to sign up new tenants, **all new tenants sign the 'good neighbour agreement' should we?** as well as discuss the requirements of their tenancy agreement in detail. This is a further opportunity to discuss the expectations of tenants in relation to other people in the area, and in particular the expectations in relation to harassment & hate crime as defined in this policy.

Communications

The Association will regularly publish information on our website, social media and through newsletters to detail the Association's zero-tolerance approach in relation to harassment or hate crime. Copies of this policy, and the Association's policy on

neighbour disputes and anti-social behaviour are available on our website and by paper on request.

4.1 Victim Centred Approach

The Association will operate a victim-centred approach and will implement the Harassment & Hate Crime Policy when the problem is perceived by the victim as one of harassment or hate crime and/or there is evidence of harassment.

The Association will make every effort to ensure that victims of harassment or hate crime are aware of their rights and the remedies available to protect them. The support and advice of community groups, specialist organisations and/or police will be sought to enable an effective response.

In conjunction with the victim the Association will consider all the evidence and information available and, taking account of the wishes of the victim, will pursue an appropriate course of action. Although the Association will endeavour not to proceed with any action against the victims' wishes, criminal behaviour or risks to other persons safety will take priority.

The Association recognises that victims of harassment or hate crime will often feel unsafe in their surroundings and the actions of the Association alone will not be sufficient to remedy this. We will therefore aim to make referrals to appropriate agencies where required, such as Police Scotland or Victim Support.

The Association recognises that some complainants may be vulnerable and have specific support needs. Where this is either suspected or identified, we will look to signpost individuals towards support agencies who may be able to help.

4.2 Identification of Harassment or Hate Crime

The relevant legislation is the Equality Act 2010 which pulled together previous laws and put them into one piece of legislation. It strengthened the law and introduced some new provisions which have resulted in increased protection for some.

Protection from unlawful discrimination is provided by the Equality Act in relation to the following characteristics:

- age
- disability

- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Examples of harassment relating to the above characteristics include:

Age harassment is generally considered to be behaviour that is offensive, embarrassing, insulting, or intimidating to the victim on the basis of their age. It may include unwanted non verbal, verbal or physical abuse that is derogatory and potentially offensive.

Disability harassment consists of offensive or intimidating behaviour relating to a person's disability including any impediment of movement, touch, vision or hearing. It may include verbal, non verbal or physical conduct relating to the disability of a nature that causes offence to the victim.

Racial harassment is generally considered to be behaviour that is perceived to be offensive, embarrassing, insulting, or intimidating to the victim. It may include unwanted non verbal, verbal or physical abuse that is racially derogatory and potentially offensive.

Religious harassment consists of offensive or intimidating behaviour relating to a person's religion/ faith, or lack of religion or faith. It may include verbal or non verbal conduct that is religiously derogatory and potentially offensive.

Sexual harassment generally consists of unwanted conduct of a sexual nature. It may include verbal, non verbal or physical conduct of a sexual nature that causes offence to the victim.

Sexual orientation harassment consists of offensive or intimidating behaviour relating to a person's sexual orientation, or perceived sexual orientation. It can include verbal or non verbal conduct that is derogatory or potentially offensive to a person's sexual orientation.

Promoting Inclusion within our community

The Association has a diverse range of tenants with varying backgrounds and characteristics, we embrace this diversity amongst our tenants. We will seek to publicise through our website, social media and written communications (such as our bulletin)

any events, groups or any other activity which will promote inclusion of any protected characteristic within our communities.

We will also seek to reduce any stigma associated with any protected characteristic through the same routes.

5.0 Association Actions in Investigating Harassment or Hate Crime

Harassment may be brought to the Association's attention either by direct complaint, notification by an external agency or indirectly as another matter is being discussed with the tenant/ customer e.g. during office interview, home visit, by letter or telephone call.

The Association will:

- Investigate all incidents reported to us in a timely manner
- Encourage tenants/applicants to report hate crime, supporting them to do so or referring to a third party reporting centre where appropriate. (Appendix 3)
- Treat any information given to us in the strictest confidence
- Work jointly with the police as required
- Provide advice and support to affected tenants
- Treat any repairs required as a result of the incident as an emergency
- Seek legal advice on remedies and take legal action as recommended
- Where the perpetrator is an Association tenant, take action for breach of tenancy and seek eviction where appropriate
- With the tenant's permission, inform and work with the local authority to tackle harassment on a neighbourhood basis
- Sign post to the relevant services and, with the agreement of the victim, refer to agencies that will be able to provide support to them

In investigating an incident of harassment or hate crime the Association will, in consultation with the victim, consider all the evidence & information available. The Association will pursue an appropriate course of action while taking account of the views of the victim.

Where the victim's first language is not English, we will arrange an interpretation service.

Where the victim requires information and advice in an alternative format this will be arranged.

6.0 Procedure for reports from tenants of harassment

Any contact by a tenant reporting harassment will be immediately referred to the Housing Officer (HO) for the area. The HO will arrange to meet/ visit within 1 working day to assess the situation and plan the action we need to take to advise and support the tenant. The HO will complete the H1 form and agree the action with the tenant.

The HO will advise on the need for evidence for any legal action against

perpetrators and will request the tenant keep a diary of the date and time of any incidents and issue form H2. The HO will also encourage the tenant to report all incidences of harassment to the Police.

The Association recognises the increased use of social media in communications and will consider as evidence any postings/ text/ email communications which the victim considers to be offensive/ harassment towards them.

The HO will refer the case to Community Safety Partnership (CSP) who will manage the case on behalf of the Association.

Where the tenant wishes to move to alternative accommodation the Association will advise them on their housing options. Where the tenant needs to move quickly under emergency circumstances i.e. it is unsafe for them to remain in their house or their home is not habitable due to damage the Association will contact Renfrewshire Council Housing Advice to secure temporary accommodation.

For tenants seeking to move to another Association property as a result of harassment we will award a priority as follows;

- A priority A award where it is established it is not safe for the tenant to remain in their home or they are in temporary accommodation as a result of their home being unsafe.
- A priority B where it is established that the tenant is not at risk and their home is habitable

These priorities will be for rehousing for any area out with the tenant's current address.

The Association will remove all offensive graffiti within 1 working day and will categorise any repair required to secure a property as an emergency.

7.0 Procedure for reports of harassment by applicants

On first contact Customer Services Officer dealing with housing options appointments will advise the applicant of the following:

- To report any incident of harassment to the Police if they have not already done so
- To report any incident to their landlord (if they have one)
- Provide contact details for Renfrewshire Council's Housing Advice to secure temporary accommodation if required.
- Signpost to any support agencies which may be able to assist e.g. Women's Aid.
- Offer an emergency Housing Options Interview and explain the priorities awarded for harassment or hate crime and refer the applicant to the Common Allocations Policy for information

8.0 Support for victims (PHA tenants only)

Consideration will be given to referring the tenant to our Tenancy Support service to ensure that the victim is aware of and has access to any support that may be required to cope with the effects.

This includes (but is not limited to)

- Support in identifying appropriate support services such as counselling.
- Accessing any additional advice that may be required, such as benefits advice where a victim's circumstances have changed.
- Help in identifying other housing providers where the victim may no longer wish to be in the same home or area

9.0 Actions against Perpetrators (PHA tenants only)

To take any legal action against a tenant perpetrator of harassment or hate crime, the Association will be required to prove that harassment/hate crime has taken place and to achieve this clear evidence must be available to provide to the court from victims and other witnesses.

The decision with regards to what action is taken against the perpetrators will be decided on the basis of the evidence collected and the views/ recommendations of CSP, our solicitors and any other relevant agencies.

The victim will be made aware of the action being taken and the HO will continue to monitor the case through regular contact with CSP as per our Neighbourhood Relations Policy.

10.0 Responsibility

The Board is responsible for approving the Policy.

The Head of Housing is responsible for;

- Delegated authority for approving enforcement of decrees for eviction
- Ensuring our partnerships are working
- Gathering performance information for the annual return to SHR
- Identifying any risk to the Association through addressing harassment/hate crime/Anti social behaviour

The Housing Manager is responsible for;

- Delegated authority to take court action and make recommendations to the Head of Housing for undertaking evictions following decree
- Ensuring procedures are being followed and identifying any performance issues.

Housing Officers are responsible for;

- Applying this Policy

- Recording, taking action on any reported incidents of harassment/hate crime and monitoring cases. Accurate records will be maintained on an ongoing basis and will include agreed support and follow up measures.

11.0 Training

The Association will identify individual training and support needs for staff at induction and through its annual appraisal process. Training on changes in legislation and good practice will be delivered as required and may be provided in conjunction with other partners.

12.0 Data protection and GDPR

When implementing the policies and procedures of Paisley Housing Association all staff and Board members must adhere to and be aware of the requirements of the Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/679 (“the GDPR”).

In situations where there may be any doubt about the requirements of the above, the Association may seek the views of its legal advisors.

13.0 Complaints

The Association aims to ensure that the service provided to tenants /customers is of the highest quality. If this is not the case, a Complaints Policy and Procedure is in place to allow all residents or affected parties to state their grievance. The Scottish Public Services Ombudsman is the final stage of this process for tenants/ customers.

14.0 Review

This policy will be reviewed every 5 years. Amendments to the policy will be made in the interim to respond to any changes in legislation and to reflect any changes in any of the Association’s related strategies, policies and procedures.

Appendix 1 Harassment Form H1. Report Of Harassment

Name of victim	
Address	
Phone	
Email address	
Date when incident occurred	
Details of the incident	
Details of Perpetrator(s) Where known, give names and addresses (if the victim wishes to give this information)	
Was there anyone else present at the incident? if Yes please give names/ addresses and contact details for them if known	Yes/No
Have the police been informed? If yes, give details including: police station and officer handling incident, and date reported	Yes/No
Does the tenant want the police to be informed?	Yes/No
Support offered to the victim Does the victim need any additional help?	Yes/No if yes, what help do they want?
What action would the victim like to be taken?	
What agencies has the victim been signpost to?	
Is temporary re-housing required? if Yes refer to RC Housing Advice	Yes/ No
Is permanent rehousing sought? if Yes make an emergency Housing Options Interview appointment	Yes/ No
Signature of the victim	
Signature of staff member	
Date	

Appendix 2 Harassment Form 2:

Personal Record of Incidents It is essential that you keep an accurate record of any further incidents of harassment. This is necessary as a basis for any possible legal action.				
DATE	TIME	WHAT HAPPENED?	POLICE CONTACTED (Give details)	ANY WITNESSES (Give details)

Appendix 3: Third Party Reporting Centres

Hate Crime – Third Party Reporting Centres			
Organisation	Address	Contact Number	E-mail
Disability Resource Centre	74 Love Street, Paisley, PA3 2EA	0300 300 0370	Irene.macneil@renfrewshire.gov.uk
Ferguslie Park Library	Tannahill Centre, Blackstoun Road, Paisley, PA3 1NT	0300 300 1188	libraries@renfrewshire.gov.uk
Foxbar Library	Ivanhoe Road, Paisley, PA2 0JZ	0300 300 1188	libraries@renfrewshire.gov.uk
Glenburn Library	Fairway Avenue, Paisley, PA2 8DX	0300 300 1188	libraries@renfrewshire.gov.uk
Paisley Central Library	68 High Street, Paisley, PA1 2BB	0300 300 1188	libraries@renfrewshire.gov.uk
Ralston Library Community Centre	Allanton Avenue, Paisley, PA1 3BL	0300 300 1188	libraries@renfrewshire.gov.uk
Renfrew Library	Paisley Road, Renfrew, PA4 8LJ	0300 300 1188	libraries@renfrewshire.gov.uk
Renfrewshire Access Panel	10 Falcon Crescent, Paisley PA3 1NS	07747 036 028	stephencruickshank@btinternet.com
Renfrewshire CAB	7 Glasgow Road, Paisley, PA1 3QS	0141 889 2121	Ren-bureau@paisleycab.casonline.org.uk