



London Borough of Hillingdon

Harassment Policy Statement

Introduction

Every person regardless of their background has the right to live in the London Borough of Hillingdon without fear of harassment. Incidents of harassment and discrimination often have a long lasting effect and can create a climate of fear and intimidation.

The Council is committed to doing everything possible to tackle the causes of harassment and discrimination and providing support to communities throughout the borough.

This policy sets out a common understanding of harassment and how incidents, reported by residents, service users and visitors to the borough, should be dealt with. It will:

- Provide a definition of harassment and details of protection under equality legislation;
- Outline the Council's approach to tackling harassment within the legal framework; and
- Set out the roles and responsibilities within the Council to deal with reported incidents of harassment

This policy does not cover:

- Situations where Council employees consider they are being discriminated against by other staff. These incidents should be addressed using the Council's Bullying and Harassment Policy, which governs the Council's approach to dealing with harassment in the work place.
- Allegations of harassment and discrimination made against staff by residents or service users. This is covered by the Council's Complaints Procedure.

The Legal Framework

The Council applies this policy statement alongside the Customer Care Standards and the Complaints Procedure to tackle all forms of harassment. A diagram of cross-council policies and procedures covering harassment is shown in Annex A.

There is a raft of legislation that enables local authorities and the Police to tackle incidents of harassment or hate crime. The Council will fulfil its legal obligations and statutory duties by:

- Fulfilling our responsibility under the Public Sector Equality Duty (Equality Act 2010);
- Acting in accordance with the European Convention of Human Rights (Human Rights Act 1998);
- Doing all we reasonably can to prevent crime and disorder in our area (Crime and Disorder Act 1998)
- Enforcing housing tenancy agreements and conditions (Housing Act 1996); and
- Providing for the well being of our citizens (Local Government Act 2000);

Equality Act 2010

The Equality Act 2010 brings together a range of equalities legislation under one simplified framework along with introducing new rights, powers and public duties to tackle discrimination and promote equality.

As a public authority the Council has a statutory responsibility to meet the public sector equality duty, which means that in exercising its functions and delivering services, the Council must have due regard to:

- Eliminating discrimination, harassment, victimisation;
- Advancing equality of opportunity; and
- Fostering good relations

The Equality Act 2010 clearly sets out that harassment occurs when people or person's engage in:

'Unwanted conduct, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.'

Harassment can take a number of forms but often incidents are specifically related to an individuals' background or equality profile. For example people may be subjected to unwelcome comments, abuse and insulting or threatening behaviour if they have a physical or mental disability, identify with a specific race or ethnic origin, and because of their sex (gender) or perceived sex.

Under the provisions of the Equality Act 2010 people are protected from harassment at work as employees, when accessing or receiving services, and when buying goods. This protection in all cases applies to the following protected equality characteristics:

- Age
- Disability
- Gender reassignment
- Race
- Sex

Currently the Act does not protect people from harassment when receiving goods or services on the grounds of pregnancy & maternity, religion and belief, and sexual orientation. If someone experiences harassment based on any of these protected characteristics when receiving goods or services and, as a consequence, they are treated less favourably than another person, action could be taken using the provisions covering direct and indirect discrimination.

Protection from Harassment Act 1997 & Public Order Act 1986

Any form of intentional harassment may be considered as a criminal offence. A person could be committing an offence if they intentionally cause a person(s) harassment, alarm or distress, where they use threatening, abusive, insulting language and behaviour, and disorderly behaviour; or display any writing, sign or other visible representation which is threatening, abusive or insulting causing that other person(s) harassment, alarm or distress.

The Protection from Harassment Act 1997 creates two offences; the offence of harassment and that of putting another in fear of violence and intimidation. These offences attract fines or up to six months imprisonment. The Act creates additional civil

remedies by allowing the victims of conduct which constitutes harassment to apply for an injunction or a claim for damages. The Public Order Act 1986 also provides powers to tackle publication or distribution of material which is threatening, abusive or insulting.

Crime and Disorder Act 1998

The Crime and Disorder Act 1998 promotes the practice of partnership working and places a statutory duty on police and local authorities to develop and implement a strategy to tackle community safety issues. The Act covers offences of racially-aggravated harassment and states that a person can be found guilty of an offence under this provision if they *'pursue a racially-aggravated course of conduct which amounts to harassment of a person'* and / or *'acts in a manner which is racially aggravated and which causes, or is intended to cause, a person alarm or distress'*.

Housing Act 1996

Tenants who are guilty of harassment are in breach of their tenancy conditions under the Housing Act 1996. The Council can use the Act to pursue possession proceedings or apply for an injunction. The tenancy agreement states *'no act is permitted which amounts to harassment of any person or defined group'*.

Our Approach

The Council will proactively encourage people to report incidents of harassment, use our powers to tackle such abuse, and provide advice and support to people and communities.

It is the responsibility of all officers to be aware of the Council's approach to dealing with and eliminating harassment, either in the workplace or in the community. Staff should familiarise themselves with this policy statement, and supporting policies and procedures.

As an employer

All employees have the right to be treated with dignity and respect at work and it is expected that they treat other employees with the same dignity and respect in return.

The Council will not tolerate inappropriate behaviour and will respond to any bullying or harassment of its employees by colleagues, service users, councillors, members of the public or third parties (such as contractor employees) promptly, objectively and independently.

If it is found that bullying or harassment has occurred, action can be taken under the Council's Bullying and Harassment Policy, and Disciplinary Policy.

Through our housing services

Our aim is to support tenants, identify the perpetrators and take appropriate enforcement action. As a last resort action can be taken to transfer tenants experiencing harassment and discrimination to another property.

Through Partnership Working

We work with our local partners and community groups to tackle harassment, anti-social behaviour and incidents of assault and hate crime to create a safe environment for everyone. It is likely that reported incidents of harassment will require multi-agency participation to tackle the underlying causes, and offer coordinated advice and support

to the victims.

The Council works very closely with Metropolitan Police Service in tackling harassment, anti-social activity and hate crime through the Community Safety Unit, (a specialist team responsible for investigating incidents of racial harassment and hate crime).

The Council's ASB Investigations Team is specifically responsible for dealing with incidents of harassment, hate crime and anti-social behaviour that are reported to the Council. The team works closely with all partners and maintain good working relationships with local statutory, voluntary and community agencies, and use any resources available.

The Council's procedure for investigating incidents of harassment incorporates the following aspects which will be treated as high priority:

- Provide support to complainants
- Take action against perpetrators
- Take long-term preventative action
- Acknowledge reported incidents quickly, and provide feedback to complaints as soon as possible
- Record all incidents of harassment as such
- Treat all complainants and witnesses in a sensitive, supportive and understanding way

Contact Details

To report incidents of anti-social behaviour or racial harassment, please use the online reporting form: <https://services.hillingdon.gov.uk/?articleid=22416> or if you do not have access to a computer call **0800 694 0240**.

For more information on how the Council can provide advice and support on matters related to harassment, hate crime and anti-social behaviour, please contact the Community Safety Team at contact@hillingdon.gov.uk.

ANNEX A: Diagram of cross-council policies and procedures covering harassment

