

**RECOGNISING AND ADDRESSING
HOMOPHOBIC AND
TRANSPHOBIC HARASSMENT**
**A GUIDE FOR SOCIAL HOUSING PROVIDERS
AND HOMELESSNESS SERVICES**



THE SCOTTISH
HOUSING
REGULATOR



Stonewall
SCOTLAND

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INTRODUCTION

This guidance is designed to assist social landlords concerned with addressing homophobic and transphobic harassment.

It provides an overview of the relevant legislation, describes homophobia and transphobia, identifies the behaviour involved in harassment, highlights certain aspects of service delivery, and offers practical guidance to assist you in reviewing harassment policy and procedures.

The companion publication to this guidance, **Understanding the Housing Needs and Homeless Experiences of Lesbian, Gay, Bisexual and Transgender (LGBT) People in Scotland**, provides an accessible summary of available evidence drawn from existing surveys and research of lesbian, gay, bisexual and transgender (LGBT) housing issues, needs and concerns.

These documents are designed to complement each other. They will be of most benefit to social landlords if they are used together.

The LGBT community within the social housing sector is largely hidden. Using these documents to help you review and revise harassment policy, processes and practices can help you to build trust with your LGBT clients.

However, it is not as simple as just conducting a one-off exercise. An understanding of equality should be integrated into all your ways of working.

The LGBT Housing Standards, developed as part of the LGBT Housing Project, provide an accessible, flexible framework for addressing LGBT housing issues in a whole-organisation approach.

See **Good Practice** (page 24) for further information on the LGBT Housing Standards and other guidance and resources available.



CONTEXT

Thematic reviews of progress on equalities carried out by the regulation and inspection division of Communities Scotland in 2002¹ and 2006 highlighted that most social landlords had not developed adequate policies, procedures, monitoring and performance management systems to meet the needs of LGBT people compared to progress made in relation to other equalities strands.

The regulator stated in 2006:

“In essence the pursuit of equality and the recognition of diversity is a legal, regulatory, moral, employment and business imperative. Social landlords need to act with determination within their organisations, with their tenants and other service users, and with their staff and members of governing bodies or elected members, to remove unfair discrimination, seek equality and value diversity.”²

A stocktake of Scottish local authority policy and practice in 2005³ confirmed that LGBT issues had been given lower priority than other equality strands, within what was described at that time by local authorities as “a less well-developed legislative framework”.

However, in the intervening period legislation protecting LGBT people from harassment and discrimination has been significantly strengthened:

- The Equality Act (Sexual Orientation) Regulations 2007⁴ provide protection for lesbian, gay and bisexual people from direct or indirect discrimination or harassment in the provision of goods, facilities, services, education, disposal and management of premises and the exercise of public functions.
- The Sex Discrimination (Amendment of Legislation) Regulations 2008⁵ provides transsexual people with protection from direct or indirect discrimination or harassment in the provision of goods, facilities and services.
- The Offences (Aggravation By Prejudice) (Scotland)⁶ was introduced to the Scottish Parliament in May 2008. It will extend existing hate crime legislation to provide greater protection for lesbian, gay, bisexual and transgender people, and disabled people.

This guidance is designed to support landlords in a critical review of harassment policies and procedures in line with these legislative requirements to ensure they adequately reflect the needs of LGBT customers.

While landlords will have policies and procedures in place to tackle harassment, they must ensure the needs of lesbian, gay, bisexual and transgender (LGBT) customers are explicitly addressed.

1/ Communities Scotland (2002) Equalities in Practice: Thematic Regulation Studies

2/ Communities Scotland (2006) Equalities in Practice: A follow-up study Thematic Review

3/ Scottish Executive (2006) Stocktake of Local Authority Policy and Practice

4/ http://www.opsi.gov.uk/si/si2007/uksi_20071263_en_1

5/ Women and Equality Unit; http://www.opsi.gov.uk/si/si2008/draft/ukdsi_9780110811048_en_1

6/ <http://www.scottish.parliament.uk/s3/bills/09-AggPrej>

Meeting such challenges and managing the changes required are core aspects of modern social housing provision, and the Scottish Housing Regulator expects continuous improvement across housing service provision in meeting the changing needs of customers and social policy.

As the regulator moves towards a more risk-based and proportionate approach to inspecting services, landlords must be able to demonstrate they have assessed their performance and that services are being delivered effectively.

This does not mean developing a new or separate policy, but it will require a thorough review of existing arrangements and how they affect LGBT people.



SECTION 1: LEGISLATION

This section introduces the laws in place to tackle homophobic and transphobic harassment and highlights landlords' obligations to address it.

The **Human Rights Act 1998** incorporates the European Convention on Human Rights into Scots law. Article 2 of the Convention states everyone's right to life shall be protected by law. Article 3 states no one shall be subjected to torture or inhuman or degrading treatment or punishment. Article 8 states that everyone has the right to respect for private and family life, their home and correspondence.

"There shall be no interference by a public authority with the exercise of this right, except in accordance with the law and as is necessary in the interests of ... public safety ... the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others."

Article 14 of the Convention provides that the enjoyment of the other Convention rights shall be secured without discrimination.

"Discrimination" here includes discrimination on grounds of sexual orientation and gender identity.

IMPLICATIONS FOR SOCIAL LANDLORDS

As the local strategic leader, local authorities have a corporate duty to ensure that protocols and policies are in place which detail how public safety issues are to be handled, and to promote this approach with local partners.

Registered Social Landlords (RSLs) attract public funding either through housing association grant, housing benefit or grant funding via their local authority partners. As socially aware entities with a strong customer focus, RSLs should aim to promote and uphold the Human Rights Act, equalities legislation and associated duties.

The housing regulator considers best practice when assessing performance.

Any person who pursues a course of conduct amounting to harassment of another is contravening the Protection from Harassment Act 1997. The legislation states that harassment is such conduct that causes personal alarm or distress and must involve conduct on at least two occasions. A court may grant an interdict or interim interdict (a Non-Harassment Order) if it is satisfied it is appropriate to do so to protect a person from further harassment.

In the event of a breach of a Non-Harassment Order the perpetrator may be arrested if the power of arrest has been applied to the order.

The Housing (Scotland) Act 2001 was a landmark piece of legislation in terms of equal opportunities in housing in Scotland. Section 106 of the Act places an overarching duty on ministers, local authorities and RSLs to implement the Act in a way that encourages equality of opportunity.

The **Scotland Act 1998** defines equal opportunities as:

"The prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions."

IMPLICATIONS FOR SOCIAL LANDLORDS

All social landlords should have systems in place to periodically review their practices and performance in the context of the duty contained in Section 106. When working with local communities they should actively seek to promote equal opportunities.

Local authorities are specifically required to identify within their homelessness and local housing strategies how they will comply with their duties under Section 106.

Section 108 of the **Housing (Scotland) Act 2001** clarified that same-sex couples have similar rights to mixed-sex couples within their definition of family and spouse cohabitation. It predates the **Civil Partnership Act 2004**, which afforded same-sex couples rights and responsibilities similar to those provided by a civil marriage. Civil partners are entitled to the same property and tenancy rights as married couples and the same exemption as married couples on inheritance tax, social security and pension benefits, as well as a range of other rights.

The **Family Law (Scotland) Act 2006** introduced new rights to protect cohabitants when relationships break down. A cohabitant is a person living with another as if they were husband, wife or civil partner.

The **Homelessness etc. (Scotland) Act 2003** amends the **Housing (Scotland) Act 1987** in respect of the priority need for accommodation to reflect the references to conduct and harassment given in the Protection from Harassment Act 1997.

IMPLICATIONS FOR HOMELESSNESS SERVICES

The Code of Guidance on Homelessness stresses the importance of treating harassment as abuse. Homelessness officers should be aware of the different types of abuse and the responses that may be required. In relation to homophobic and transphobic harassment, staff should have an awareness of how such harassment manifests, and the effects it can have in relation to safety, security and health.

Homelessness services must take into account the potential vulnerability of LGBT people to harassment and discrimination when arranging temporary accommodation solutions so as to minimise the possibility of increasing vulnerability through placement in unsuitable accommodation.

SECTION 2: UNDERSTANDING HOMOPHOBIC AND TRANSPHOBIC HARASSMENT

UK equality law describes harassment as

“... unwanted conduct which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment ...”

Homophobic and transphobic harassment can be said to occur when:

A person harasses another **on grounds of sexual orientation or transgender identity** when they engage in unwanted conduct which has the purpose or effect of:

- a) Violating the other person’s dignity, or
- b) Creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Defining what is intimidating, hostile, degrading, humiliating or offensive is mainly subjective and it is reasonable to consider the perception of the individual affected. Ultimately, a court may decide a complainant had been oversensitive and taken offence unreasonably, but social landlords must treat all allegations seriously.

WHAT ARE HOMOPHOBIA AND TRANSPHOBIA?

Homophobic prejudice might be characterised as a range of reactions from unease or discomfort to revulsion, disgust, open hostility and hatred expressed towards lesbian, gay and/or bisexual people.

Transphobic prejudice is similar, although in this case the focus is transsexual men and women, cross-dressers and/or other transgender people.

Homophobic and transphobic harassment and discrimination occur when people act on these prejudices.

Perpetrators often pick out and target people who do not conform to their expectations or beliefs about how men and/or women should appear or behave. Homophobic and transphobic behaviour can affect anyone perceived to be LGBT or others known or assumed to be their friends, associates or family members.

This partly explains why so many LGBT people have concerns about coming out, or of being ‘outed’ by others.

PRACTICE POINT

People’s thoughts, feelings and beliefs about LGBT people do not constitute harassment.

It is the **actions and behaviour** (including **language**) resulting from such feelings or beliefs that are the focus of this guidance.

WHAT CONSTITUTES HOMOPHOBIC AND TRANSPHOBIC HARASSMENT?

Actions and behaviour motivated by homophobia and/or transphobia include:

- **Verbal abuse** including taunting, name-calling or threats (e.g. of physical violence, sexual assault, threats of 'outing' i.e. disclosing that a person is, or is perceived to be, lesbian, gay, bisexual or transgender, without their freely-given consent)
- **Threatening behaviours** by individuals or (more commonly) groups, including closing in on, following, chasing and/or surrounding a targeted individual or individuals
- **Physical or sexual aggression and violence**, including ripping clothing, stripping victim naked, serious and/or sexual assault, rape and even murder
- **Social marginalising or ostracising**
- **Excessive noise** aimed at causing disruption or distress to the target individual or individuals
- **Mail** being tampered with or opened
- **Offensive items** posted through letter box (e.g. excrement)
- **Graffiti** in or around the home or locality which targets and identifies an individual or individuals
- **Vandalism** to property and possessions including broken windows, damage to vehicles or gardens
- **House-breaking**, burglary or thefts
- **Arson**

Research strongly suggests that such actions and behaviour are rarely one-off incidents and it is likely they will escalate over a period of time if not addressed.⁷ The impact of harassment cannot be understated. In some cases, it can bring the emotional impact of past bullying and intimidation (for example, within the family, at school or in employment) back to the fore, adding to the distress of the current situation.⁸

PRACTICE POINT

Early intervention is crucial in minimising the impact of harassment on individuals.

For example, emergency repair measures must be in place to deal promptly with any damage to property as a result of harassment. This would include, for instance, the prompt removal of offensive homophobic or transphobic graffiti.

7/ Stonewall (2007) The School Report

8/ Stonewall Wales and Triangle Wales (2006) The housing needs of lesbian, gay and bisexual (LGB) people in Wales, p 24

Issues to consider in defining and describing homophobic and transphobic harassment:

- Does your harassment policy have a clear definition of harassment?
- Does your policy name homophobia and transphobia?
- Does it explain what you mean by the use of these terms, and why you are concerned with addressing them?
- Does it describe the actions and behaviour you consider could constitute homophobic and transphobic harassment?
- Does your policy acknowledge the importance of early intervention?
- Are your staff clear about what you mean by these terms?

FURTHER READING AND RESOURCES

The **Scottish Transgender Alliance website** provides a useful introduction to transgender terminology and good-practice guidance.

www.scottishtrans.org



SECTION 3: SERVICE CONSIDERATIONS

In this section we highlight some issues for further consideration in preparing to review harassment policy and procedures in social housing and homelessness service provision.

SERVICES FOR OLDER PEOPLE

Older people can experience exclusion because of limited income, poor health, reduced mobility and loneliness as well as ageism. Older people can be more vulnerable as a result and there are increased risks in terms of abuse.

However, there can also be added challenges for older LGBT people. In research into the housing and support needs of LGBT people in Scotland (2005)⁹ a significant minority of the older LGBT people involved reported experiences of homophobic or transphobic harassment within their home or neighbourhood.

Housing schemes for the elderly tend to be small communities in their own right, and where bullying or harassment occur they may not be obvious (e.g. name-calling, post-opening, ostracising) unless LGBT customers feel able and empowered to report it.

Similarly, where external agencies provide home-based support services, as a landlord you should ensure that contractors are both aware of and committed to working within the framework and spirit of your policy position on homophobia and transphobia.

The Communities Scotland report (2005) suggests that remedies for addressing the issues are broadly similar to those used in responding to any customer who experiences harassment. However, it is also worth noting that contributors to the report placed a strong emphasis on the **quality of service and support** from individual staff members.

Feeling you have been taken seriously and treated respectfully can be particularly valuable if you have previously encountered stigma and discrimination because of your sexual orientation or transgender identity.

POSITIVE PRACTICE

Over a period of time the sheltered scheme manager notices Joe receives no visitors and has attended only one entertainment session in the common room. He agrees to let her visit him in his flat, where he says he is quite lonely but wants to share time with people.

She puts him in touch with a local befriending scheme and over time Joe gains in confidence. He tells her he had felt uncomfortable after 'gay jibes' from neighbours and thinks it stemmed from when the cleaner found a copy of *Gay Times* in his flat.

The scheme manager advises Joe that if he wishes she can report the matter to the housing officer to follow up.

9/ Communities Scotland (2005) *The Housing and Support Needs of Older LGBT People in Scotland*, pages 32–33

Issues to consider in housing provision for older people

- What systems do you have in place for visiting vulnerable residents on a regular basis, to see how they are and if they need any assistance/additional support or advice?
- If other agencies provide services and support to your customers, are they aware of your policy position and your expectations of them?
- How confident are you that your staff would challenge homophobia or transphobia if required?
- Do you display helpline support numbers on communal notice boards?

HOMELESSNESS SERVICES

LGBT people can be more vulnerable to homelessness and it can have a particularly detrimental impact on them. Services must be aware of the factors which can lead to LGBT homelessness.

To provide effective homelessness services to LGBT people, it is essential to ensure equity of access, and to recognise that standard investigations and approaches may be inappropriate, or even make things worse.

Neeta is 21 years old. Four months ago she told her parents she was gay. She was told she was a disgrace to the family and to get out. Since then she has been 'sofa-surfing', staying with various college friends.

POSITIVE PRACTICE

The case worker decided not to telephone Neeta's parents to confirm her situation, given the circumstances. Neeta was provided with suitable temporary accommodation and supported in making contact with an LGBT organisation Neeta already knew of but had been too anxious to call.

Evidence indicates that young lesbian, gay, bisexual and transgender people are particularly vulnerable to homelessness caused by a breakdown in family relations. Young LGBT people in homelessness services can also be at an increased risk of encountering harassment motivated by homophobia or transphobia.¹⁰

Homelessness services need to ensure that LGBT people's experience of homelessness does not place them at risk of increased vulnerability.

¹⁰/ LGBT Youth Scotland factsheet 'Housing, Homelessness and LGBT Young People'
<http://www.lgbtyouth.org.uk/information-centre/lgbt-young-people-fact-sheet-series.htm>



Section 1 of the **Homelessness etc. (Scotland) Act 2003** amends Section 25 of the **Housing (Scotland) Act 1987** by expanding the categories of applicants that should be treated as **Priority Need** to include:

“A person who, by reason of that person's religion, sexual orientation, race, colour or ethnic or national origin runs the risk of violence, or is, or is likely to be, the victim of a course of conduct amounting to harassment.”¹¹

The Code of Guidance allows the details of a specific case to be considered so a vulnerable person can be assessed as having a priority need. The guidance says that:

“A person is considered vulnerable when they are less able to fend for themselves so that they may suffer in a situation where another homeless person would be able to cope without suffering.”¹²

“It is important to exercise sympathetic discretion, taking into account the particular circumstances of each person and asking for expert advice if needed. There is no bar to local authorities assessing other applicants as being vulnerable for ‘special reason’ in the light of the legislation, case law and their particular circumstances, and hence in priority need. Each local authority will have to exercise common sense and judgement in determining whether a particular applicant is vulnerable.”¹³

Homelessness services who encounter LGBT people fleeing harassment due to their sexual orientation or transgender identity must treat them equitably.

Homelessness case officers should be trained to recognise homophobic and transphobic harassment and be aware that domestic abuse can feature in LGBT relationships and households.

Case officers must gather the relevant information sensitively, taking care not to disclose an individual’s sexual orientation or transgender identity while making checks.

Chapter 5 of the guidance covers assessment of whether or not it is reasonable to expect an applicant to return to the existing home. Where an individual is fleeing harassment or abuse from the existing home, it is expected that the homelessness service will be sympathetic.

Homelessness officers should investigate to what extent the landlord has taken action to resolve the situation.

11/ Scottish Executive (2007) Code of Guidance on homelessness Chapter 6, paragraph 6.3

12/ Chapter 6, paragraph 6.7

13/ Chapter 6, paragraph 6.11



Homelessness officers should have information available to provide LGBT people with additional sources of advice, information and support.

Developing close working relationships with the police, e.g. as part of a third party reporting scheme, can give greater confidence in public services as well as providing a safer situation for the victim when they either return home or move on to suitable accommodation.

Issues to consider in homelessness services

- Do you have access to information on LGBT organisations, groups or helplines that you can signpost LGBT customers on to?
- Do you display information on LGBT support organisations, groups and helplines?
- Are you confident that your staff could recognise and respond appropriately to homophobic and transphobic harassment?
- Are your staff aware of the potential for same-sex domestic abuse?
- Do recording and reporting systems include a facility for recording homophobic and transphobic harassment?
- Do recording and reporting systems include a facility for recording same-sex domestic abuse?
- When someone discloses that they are lesbian, gay, bisexual or transgender, do you routinely obtain their authority before sharing this information with other organisations?
- Have you made contact with the police locally to let them know you are tackling LGBT harassment? Do you have information on remote reporting arrangements locally?

The Code of Guidance stresses the importance of **Temporary Accommodation Provision** for LGBT individuals. LGBT people may have heightened anxiety about who they are living in close proximity to. They should not be put at further risk of harassment in any temporary accommodation solution.

While there are statutory requirements for the provision of suitable temporary accommodation for households with children or pregnant women (**The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004**), there is a need to consider the suitability for other vulnerable groups. Bed & Breakfast accommodation is often unsuitable for vulnerable people and efforts should be made to limit the use of B&B in all cases.

The Chartered Institute for Housing in Scotland has produced a set of temporary accommodation standards that press for higher standards across all services.



PRACTICE POINT

When **Andy**, a 16 year-old, told his parents he was gay his father threatened him with a knife, forcing him out of the family home. Andy has been having sex with strangers for money and “a bed for the night”.

POSITIVE PRACTICE

Although accommodation may be found for Andy in a bed and breakfast or a hostel while his case is fully assessed or until permanent accommodation is being found, a supported lodging scheme for young people or other accredited temporary accommodation provision was considered more suitable.

The homelessness case officer suggested the Open Road Project as an additional source of support and Andy agreed to a referral being made.

NB: The Open Road Project is a Glasgow-based support service funded by NHS Greater Glasgow and Clyde for men involved in prostitution. <http://www.openroadproject.com>

Issues to consider in the provision of temporary accommodation

- Do you have a strategic approach in place for the provision of temporary accommodation, and if so does it provide for higher standards for all vulnerable households not just those covered in the Unsuitable Accommodation Order?
- Do you monitor the sexual orientation and transgender identity of your clients?
- Do you ensure regular contact with vulnerable households in temporary accommodation to identify any difficulties or problems?
- Do you have referral arrangements in place for the provision of additional support and advice for households occupying temporary accommodation?
- In all situations, consider whether placing a lesbian, gay, bisexual or transgender client in accommodation with shared facilities puts them at further risk of harassment.



LOCAL CONNECTION

Local Connection is a part of the homelessness assessment and is a discretionary test.

“In looking to provide sustainable housing solutions for applicants it will generally be best for an application to be dealt with by the local authority to which it is made. Most homeless people apply to their local authority for assistance and those who apply elsewhere generally have a good reason for doing so.”¹⁴

While LGBT people may seek to move from one location to another for much the same reasons as the general population, there are some specific issues worth noting, for example:

- Anecdotal evidence strongly suggests that significant numbers of LGBT people move to urban settings, such as Edinburgh and Glasgow, where there is a visible gay scene and community activity
- Some seek the anonymity of the city, perhaps following family breakdown or rejection
- For some transgender people, moving to a new area may be an important part of their process of transition

Where harassment is one of the reasons for someone becoming homeless, local authorities should carefully weigh up all the relevant factors, including the views of the applicant.

In cases of domestic abuse, the guidance is quite clear: applicants cannot be referred to another local authority where there is a risk of abuse. The definition of abuse within the **Homelessness Code of Guidance** (as is contained within the **Protection from Abuse (Scotland) Act 2001**) reinforces the point that homelessness team members should interpret abuse widely and not limit it to domestic abuse, or sexual or racial harassment.

Where the priority need and intentionality tests have already identified that harassment is occurring, a local authority has to be satisfied that the applicant would not suffer further harassment in another local authority area.

The guidance acknowledges there may be special circumstances where local connection might apply and gives examples of continuing provision of education or health services. This is not an exhaustive list of where specialist services may be provided. Previous local connection, including periods of temporary residence and employment, should also be taken into consideration.

14/ Scottish Executive (2007) Code of Guidance on homelessness Chapter 8, paragraph 8.2



Simon lived alone in the north-east of England and felt socially isolated. Simon is undergoing gender reassignment and he attends a gender clinic and support group in Edinburgh regularly because of a lack of service provision and support locally.

Simon took up an offer to 'get a break' from harassment by some local youths (one of whom recognised Simon from school) and Simon has now been staying with someone from the support group in Edinburgh for the past couple of months. But this arrangement is only temporary.

With ready access to support and services Simon now realises how isolated and alone he had become. He dreads going back and wants to stay in Edinburgh, but has to leave his temporary accommodation.

Simon's local connection is founded on the support and services Edinburgh provide for him. There is an added issue of harassment and associated distress. Simon was particularly vulnerable as he had been recognised, 'outed' to others, and suffered ongoing harassment in various forms and degrees of severity. The police were involved, but there was little more they could do.

POSITIVE PRACTICE

The Homelessness Officer was given consent to speak to the police in Simon's home town about the harassment. Simon obtained letters of support from the gender clinic and the support group establishing his local connection. Following an assessment of Simon's circumstances, his application was accepted.

Homelessness services must ensure they treat each case individually and recognise that a local connection can take many forms. In the event that applicants are referred to other authorities, there remains a duty to assist with temporary accommodation until the outcome of the referral is decided.



NUISANCE OR ANTISOCIAL BEHAVIOUR COMPLAINTS

Nuisance or Antisocial Behaviour Complaints may be an early sign of more prolonged and directed harassment of an individual or members of their household. The recent focus on tackling antisocial behaviour balances preventative and punitive measures and it is important to adequately investigate neighbour disputes and seek to resolve them at the earliest possible stage before they escalate.

In ensuring the safety and comfort of all residents, landlords should have very clear conditions within their tenancy agreements which state that unacceptable behaviour will not be tolerated. Section 140 of the **Antisocial Behaviour (Scotland) Act 2004** established that landlords have equalities obligations under the Act.

Social landlords must also ensure members of the LGBT community who require additional assistance are helped to access specialist support and advice where available. It is important that landlords identify suitable avenues of support and adequately signpost or refer tenants to these services. Sources of support should be routinely included in information on access to advice and support.

Landlords who establish contact and develop relationships with LGBT organisations will be able to manage cases with greater confidence and more readily identify suitable routes for mediation, or prevention of repeated incidents.

Landlords need to ensure that all staff are aware:

- Of the nature and possible impact of homophobic and transphobic harassment
- That victims may choose not to identify harassment as homophobic or transphobic in nature due to concerns about added exposure
- That some may underplay the seriousness of the harassment as they are anxious about making things worse

It will take time to break down barriers and concerns and build trust, but landlords can do a great deal in advance by promoting their commitment to equality and being seen to apply it robustly when required.



POSITIVE PRACTICE

Police forces in Scotland work in partnership with LGBT and other organisations to promote and encourage the remote reporting of hate crimes and incidents.

The idea of remote reporting came about as the police recognised that their historic relationship with the LGBT community had resulted in generally low levels of trust.

Training is provided for staff of the partner organisation, which offers a range of options for the affected person, from anonymised recording through to making contact with the police to pursue matters further.

PRACTICE POINT

Social landlords should establish close working relationships with local police forces and in particular the local LGBT liaison or equality liaison officers. Housing services can play a pivotal role in tackling harassment, enabling all victims to report such offences more readily.

Issues to consider in relation to nuisance and anti-social behaviour:

- Do you provide your customers with clear information on what rights and responsibilities they have with respect to neighbour complaints?
- Does your customer information explain what you mean by nuisance and antisocial behaviour?
- Do you feature these topics in, for example, customer newsletters?
- Do you display leaflets of LGBT support groups or organisations in customer information displays or have contact details you can pass on if needed?
- Could you advise an LGBT customer of remote reporting arrangements in your area?

FURTHER READING AND RESOURCES

Tackling antisocial behaviour in Scotland: An action framework for social housing practitioners and governing bodies, Joseph Rowntree Foundation, CIH (2008)

CIH temporary accommodation standards

<http://www.cih.org/scotland/policy/APATemporaryAccommodationforHomelessHouseholds.pdf>

Information and guidance on the **needs of older LGBT people** www.ageconcern.org.uk

Advice for younger LGBT people <http://www.lgbtyouth.org.uk/advice/advice.htm>

Housing and community issues for transgender people

http://www.scottishtrans.org/Page/Housing__Community_Issues.aspx

SECTION 4: REVIEWING THE HARASSMENT POLICY

To tackle homophobic and transphobic harassment, landlords require a Harassment Policy which details the range of remedies and the steps that will be taken to:

- Support the target(s) of harassment
- Investigate and involve other agencies where appropriate
- Deal with the perpetrator(s)

POSITIVE PRACTICE

Haringey Council has developed a core strategy for tackling hate crimes and harassment as part of their antisocial behaviour partnership.

The strategy highlights key points as well as the council's central approach regardless of the specifics of the nature of the harassment. It also stresses the links that have been developed with all relevant partners to provide adequate responses and support for victims.

http://www.haringey.gov.uk/index/community_and_leisure/crime_reduction/hate_crime.htm

ZERO TOLERANCE

Some providers have adopted a zero-tolerance approach to harassment. While it is not possible to guarantee people will not experience transphobic or homophobic harassment, you can take a public stand against such harassment, making it clear you:

- will address homophobic and transphobic harassment where it occurs
- work in partnership with the local police and LGBT organisations or groups
- will support the victims of harassment and provide them with details of other support organisations, including local LGBT groups and switchboards

Issues to consider when reviewing harassment policy and procedures:

- If you have separate harassment policies (e.g. for racial harassment), do they share the same approach to support, investigation and remedies shared?
- Have you considered adopting a zero-tolerance approach to all forms of harassment?
- Does your harassment policy clearly identify homophobia and transphobia?
- Do your procedures for dealing with harassment include the facility for you to record incidents of homophobic and transphobic harassment?
- Does your harassment policy outline the support mechanisms you have in place, how you will investigate incidents and the remedies available to you as a social landlord in dealing with homophobic and transphobic harassment?
- Is your position on homophobic and transphobic harassment identified in customer literature (e.g. the tenants handbook)?
- Are your staff aware of the harassment policy and procedures?
- Are your policy and procedures being operated consistently and effectively?

GOING PUBLIC

Revising the harassment policy and procedures is a good place to start, but you will need to publicly promote your commitment to tackling homophobic and transphobic harassment.

Failing to do so may prevent LGBT customers from accessing advice, assistance and support when faced with harassment. Experiencing homophobic or transphobic harassment is distressing enough, but if LGBT people are unsure they will be taken seriously and supported, this can only make things worse. We know the under reporting of homophobic and transphobic harassment is all too common.¹⁵

Making your commitment public is an essential step to take as a landlord. It will:

- Raise awareness amongst customers and staff
- Ensure that you are meeting your legal obligations
- Send a clear message that as a landlord you are committed to providing safe and secure housing and tackling harassment of your LGBT customers

Public commitment alongside firm action when required will go a long way towards establishing greater trust with your LGBT customers.

Issues to consider in going public:

- How are you going to encourage the reporting of homophobic and transphobic harassment?
- Are you confident of your reasons for publicising your position on homophobic and transphobic harassment?
- Are you confident that staff can explain and support your position on homophobic and transphobic harassment to customers?
- How are you going to inform:
 - Staff?
 - Existing customers and potential applicants (including LGBT customers and potential applicants)?
 - Partner agencies and contractors?

^{15/} http://news.bbc.co.uk/2/uk_news/politics/6216601.stm



POSITIVE PRACTICE

“Through our Equal Opportunities Strategy we are firmly committed to providing an equally high level of service to all our members and customers. We see the LGBT Standards¹⁶ as crucial in helping us achieve this ... We have now formally adopted the Standards and are making a commitment to ensuring that all of our service users have the trust and confidence in us to deal sensitively and appropriately with any issues or problems they have that may be related to sexual orientation and/or gender identity.”

Sandy Murray, Chief Executive in Tenants First Housing Cooperative Annual Report, 2006–7

FURTHER READING AND RESOURCES

Glasgow Housing Association **Your Guide to Reporting Harassment and Hate Crimes** (includes a **zero-tolerance** position)
<http://www.gha.org.uk/content/mediaassets/doc/anti-harassmentweb.pdf>

Positive Action in Housing, **Racial Harassment toolkit** (2006)

Southampton City Council, **Procedure for reporting incidents of harassment in Southampton** (2006)

Northern Constabulary’s approach to homophobia and transphobia (example of a Scottish force’s approach)
<http://www.northern.police.uk/homophobic-transphobic-incidents.html>

16/ LGBT Housing Standards are outlined in *Safe and Secure: LGBT Experiences of Social Housing in Scotland* (page 27, Feb 2007)
<http://www.stonewallscotland.org.uk/documents/safeandsecure.pdf>



SECTION 5: GOOD PRACTICE

Good Practice from RSLs is still very early in development. However, recent work in Scotland provides further guidance that can assist social landlords in developing their practice in relation to LGBT customers.

For example, Communities Scotland commissioned the **Equality Network** and **Age Concern Scotland**¹⁷ to examine the needs and concerns of older LGBT people in Scotland in 2004.

And in 2006–7 the Scottish Federation of Housing Associations, Stonewall Scotland and the LGBT Centre for Health & Wellbeing worked together on the **LGBT Housing Project** with funding from Communities Scotland and produced the LGBT Housing Standards, developed to assist landlords in developing their service provision for LGBT customers and staff. The Standards cover:

- Leadership, ownership and public commitment
- Employment
- Access
- Service delivery
- Community engagement

Social landlords are encouraged to draw on these resources, and where possible to identify and publicise positive-practice solutions for the benefit of LGBT customers and communities as well as the wider housing sector.

POSITIVE PRACTICE – FIRST STEPS

Encourage managers and staff to read and discuss this guidance and its companion publication, **Understanding the Housing Needs and Homeless Experiences of Lesbian, Gay, Bisexual and Transgender (LGBT) People in Scotland**.

Issues to consider when planning for implementation:

- Who can guide you and offer informal support (LGBT organisations, local community representatives or LGBT customers)?
- Are there other partners you could contact (e.g. local authority, local housing forums, police, Citizens Advice Bureau)?

What, who and how

- What do you intend to happen as a result of updating your harassment policy and processes?
- What will it mean for different parts of your organisation, for example, service provision, employment, as a partner, purchaser or contractor of services?
- What will success look like? How will you measure it?
- Who will lead the change?
- What resources will be required?
- Who will be responsible for which actions?
- How are you going to record and report on data gathered?
- What processes do you have in place to review how things are going?

^{17/} The project published **The Housing and Support Needs of Older LGBT people in Scotland and Ensuring Equality for Older LGBT People**, Communities Scotland (2005)

FURTHER READING AND RESOURCES

The Housing and Support Needs of Older LGBT people in Scotland, Communities Scotland Research (2005)
http://www.communitiesscotland.gov.uk/stellent/groups/public/documents/webpages/pubcs_008930.pdf

Ensuring Equality for Older LGBT People, Communities Scotland (2005)
http://www.communitiesscotland.gov.uk/stellent/groups/public/documents/webpages/cs_009128.pdf

Safe and Secure LGBT Experiences of Social Housing in Scotland, LGBT Housing Project (Feb 2007)
<http://www.stonewallscotland.org.uk/documents/safeandsecure.pdf>

Improving Policy and Practice for LGBT People: Guidance for Local Authorities, Scottish Executive (2006)
<http://www.scotland.gov.uk/Resource/Doc/90351/0021753.pdf>

From outside to inside How housing services can meet the needs of lesbian, gay and bisexual people, Stonewall Cymru (2008)
http://www.stonewallcymru.org.uk/documents/2006_08_outside_in_4.pdf

Getting Started Route Map for Public Services in Scotland, Stonewall Scotland (publication due 2008)
<http://www.stonewallscotland.org.uk/gpp>

Stonewall guidance on **preventing the bullying and harassment** of gay employees (Diversity Champions programme)
<http://www.stonewall.org.uk/workplace/1473.asp>

Improvement Service, Continuous Improvement Toolkit
<http://www.db-continuousimprovement.org.uk/users/index1.aspx>

MEMBERSHIP PERFORMANCE NETWORKS:

Diversity Champions Scotland Stonewall Scotland's employers' good-practice forum.
www.stonewallscotland.org.uk/workplace

Housing Quality Network
www.hqnetwork.org.uk

Scottish Housing Best Value Network
www.shbvn.org



CONCLUSION

The impact of harassment on LGBT customers is immediate and detrimental. Social landlords must ensure that they have taken all reasonable steps to ensure that existing policies and procedures are fit for purpose in terms of meeting the needs of the LGBT community.

There is no need to 'reinvent the wheel' in addressing homophobic and transphobic harassment. Landlords will already have monitoring and recording systems in place for dealing with other forms of harassment, which can be modified and extended to cover harassment of LGBT people.

While this guidance is specific to the needs of the LGBT community, we would encourage landlords reviewing and revising harassment policy and process to adopt a corporate approach that recognises the needs of other equalities groups.

Social landlords have an important role to play in tackling homophobic and transphobic harassment and we hope this guidance, along with its companion publication, **Understanding the Housing Needs and Homeless Experiences of LGBT People in Scotland**, provides a useful contribution to this process.



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- Commission for Racial Equality in Scotland (2007) **Statutory Code of Practice on Racial Equality in Housing**
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http://www.communitiesscotland.gov.uk/stellent/groups/public/documents/webpages/pubcs_008930.pdf
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http://www.communitiesscotland.gov.uk/stellent/groups/public/documents/webpages/cs_016327.pdf
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NATIONAL LGBT ORGANISATIONS

STONEWALL SCOTLAND

Stonewall Scotland campaigns for equality and justice for gay, lesbian, bisexual and transgender (LGBT) people living in Scotland. The organisation aims to raise awareness of issues like hate crime and homophobic bullying in schools and works with businesses, the public sector, the Scottish Government, the Scottish Parliament and a range of partners to improve the lives of LGBT people in Scotland.

0131 557 3679

info@stonewallscotland.org.uk

www.stonewallscotland.org.uk

EQUALITY NETWORK

Campaigns for equality for lesbian, gay, bisexual and transgender people in Scotland. It creates ways for people to contribute to making Scotland a place in which everyone, regardless of sexual orientation or gender identity, can live free from hatred, prejudice and discrimination.

07020 933 952

en@equality-network.org

www.equality-network.org

LGBT YOUTH SCOTLAND

LGBT Youth Scotland provides a range of services and opportunities for young people, families and professionals, which aim to increase awareness and confidence, as well as reducing isolation and intolerance. LGBT Youth Scotland undertakes research, policy and training work on issues that affect LGBT young people. LGBT Youth Scotland also hosts the LGBT Domestic Abuse Project.

0131 622 2266

info@lgbtyouth.org.uk

www.lgbtyouth.org.uk

info@lgbtdomesticabuse.org.uk

www.lgbtdomesticabuse.org.uk

SCOTTISH TRANSGENDER ALLIANCE

The STA provides the Scottish public and voluntary sectors with training and good practice guidance on transgender equality issues and works to build the capacity of transgender support groups in Scotland. (Based at the Equality Network).

07020 933 952

sta@equality-network.org

www.scottishtrans.org





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