

Anti-Bullying and Harassment Procedure

November 2023



1. Introduction

At Unipol, we believe that student accommodation should be a safe environment for tenants, conducive to learning. We aim to give our tenants a great housing experience, provide good value, promote social academic interaction and high quality housing - we want a Unipol property to be a home from home.

However, we are also aware that when a number of people are living within close proximity and sharing living spaces often with people they did not previously know, things can go wrong. Arguments can break out and poor behaviours can impact that experience. This procedure is designed to clarify Unipol's position regarding tenant behaviour, as well as what actions will be taken if there is an accusation of bullying or harassment within a Unipol property (or a property which Unipol manage).

Unipol does not tolerate unacceptable behaviour and any accusation of bullying or harassment will be dealt with the utmost seriousness. This procedure applies to bullying or harassment that is committed or alleged to have been committed by any Unipol tenant, towards a Unipol tenant or within a Unipol property. The focus of this procedure will be, but is not limited to, instances or accusations of bullying and/or harassment between two co-tenants within the same property. While each instance of accusation is taken on a case-by-case basis, this procedure will offer clarity and advice for those involved.

For further information on this procedure, please contact Tenancy Support on:
tenancysupport@unipol.org.uk

2. Definitions of Bullying and Harassment

Bullying and harassment are behaviours that makes someone feel intimidated or offended. The differences between them are subtle and often contested, with no clear distinction between the two. Generally speaking, bullying is considered less severe in its effect on the victim, while harassment is more damaging. Harassment can be considered a criminal offense.

It is fundamentally the perception of the **victim** and how they perceived this behaviour to have impacted them as to whether action against them would be considered bullying or harassment. Additionally, should this matter be referred to Police, they would also make their assessment as to whether the perpetrator has demonstrated a course of unlawful harassment or discrimination. Unipol are limited in our abilities to determine whether incidents have been classified as bullying or harassment due to the varying definitions and similarities. However, we would offer advice and support throughout the process of a victim making a complaint.

2.1 Bullying

Although there is no legal definition of bullying, it can be described as unwanted behaviour from a person or group that is either:

- offensive, intimidating, malicious or insulting
- an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone

Bullying might:

- be a regular pattern of behaviour or a one-off incident
- happen face-to-face, on social media, in emails or calls
- not always be obvious or noticed by others



Examples of bullying at could include:

- spreading malicious rumours about someone
- consistently putting someone down in social situations
- deliberately tampering with someone's personal possessions in a communal space, in order to cause an inconvenience (e.g. moving their dishes in the kitchen, turning off the washing machine when in use)
- putting humiliating, offensive or threatening comments or photos on social media

Sometimes bullying might be classed as discrimination if it's related to certain 'protected characteristics' under discrimination law (Equality Act 2010). Protected characteristics are:

- age
- disability
- gender reassignment
- race
- religion or belief
- sex
- sexual orientation



Incidents of bullying and discrimination may be considered harassment and could be dealt with more severely.

2.2 Harassment

Harassment could be considered severe and/or sustained unwanted behaviour from a person or group.

To be harassment, the unwanted behaviour must have:

- violated the person's dignity
- created an intimidating, hostile, degrading, humiliating or offensive environment for the person
- has happened more than once

It can be harassment if the behaviour:

- has one of these effects even if it was not intended
- intended to have one of these effects even if it did not have that effect

The law on harassment also applies if a person:

- is harassed because they are thought to have a certain protected characteristic when they do not (discrimination by perception)
- is harassed because they're linked to someone with a certain protected characteristic (discrimination by association)
- witnesses harassment, if what they've seen has violated their dignity or created an intimidating, hostile, degrading, humiliating or offensive working environment for them

It can still be against the law even if the person being harassed does not ask for it to stop.

Harassment might be considered a hate crime or hate incident if the victim is harassed because they have a protected characteristic:

- because of their race or religion
- because of their sexuality
- because of their disability
- because they are transgender

If Unipol believe that a crime has been committed, we may in some circumstances report this to the police. Please see Section 3; Confidentiality for more information.

3. Confidentiality

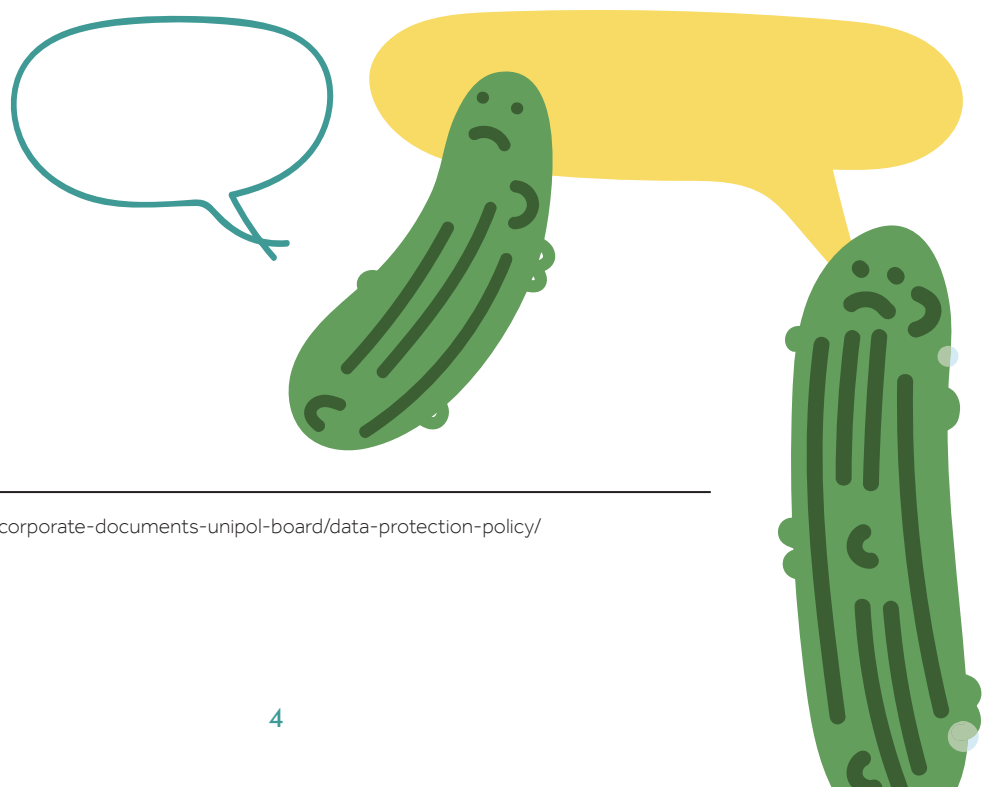
Unipol is committed to responding to allegations fully, fairly, quickly and confidentially. From the earliest stage of a complaint being raised, it is vital that confidentiality exists. This is necessary to create an environment which encourages our tenants to talk over their concerns and obtain objective assistance. This will allow them to assess their position and the options open to them.

In reality, however, it is usually difficult to sort out a problem without some communication with the person who is named as being responsible for the bullying or harassment, with named witnesses and, in some cases, other tenants. Therefore, anyone considering making a complaint should bear in mind that, in order to ensure that the behaviour about which the complaint is made stops, it will generally be necessary for the person causing offence to be told about the problem so that they can discuss the situation and take any appropriate action to prevent or discontinue any offending behaviour. Unipol's Tenancy Support and Wellbeing Coordinator will discuss this fully when a complaint is raised.

Unipol will, as far as possible, protect a complainant's wish for confidentiality, though where a complaint identifies a serious wellbeing concern or a potentially criminal act that could damage persons or property, Unipol may wish to take action which might mean confidentiality cannot be preserved. Unipol's **Data Protection Procedure**¹ has more detail on this.

Confidentiality is important to all parties affected, particularly in the early stages when an individual feels concerned about the behaviour of another and wishes to seek advice and explore the seriousness of the situation. However, as soon as any attempt is made to deal with the situation in a way that directly involves an individual who is accused, this individual must be informed of the nature of the complaint. Thereafter, there should be an attempt, as far as possible, to maintain confidentiality in respect of all parties while seeking a solution.

A high degree of discretion and sensitivity must be exercised by all those involved at any stage of dealing with a complaint, although this must not act as an impediment to the investigation of complaints where that is required; and nor should it be used to undermine the right of all tenants to be treated fairly.



1. <https://www.unipol.org.uk/governance/corporate-documents-unipol-board/data-protection-policy/>

4. Procedures for dealing with instances of Bullying or Harassment

If a tenant believes that they are being subjected to bullying or harassment by another tenant, the following options are available for taking action².

4.1 Taking personal action

If you feel that you have been, or are being, subjected to harassment, bullying or victimization from a co-tenant, you should not feel that it is your fault or that you have to tolerate it without question.

Generally, complaints are most easily resolved if they are raised at the time the problem first occurs and with the person/s directly involved. If you feel that you have been, or are being, subjected to harassment, bullying or victimisation, you may feel able to take action on your own to make the other person aware of the effect of their behaviour on you.

In many situations, this can be the most effective way to raise concerns; however, you should not feel pressured to raise concerns in this way and should also be aware of the other options open to you – namely, mediation through Unipol (4.2), reporting to the perpetrator's university (4.3) or finding alternative accommodation (4.4).

There are a variety of ways in which you might take personal action, some of which enable concerns to be raised without making reference either to the individual(s) concerned or to the specific nature of the complaint. Here are some examples of types of personal action which might be worth considering:

- You can have a conversation with, or write to, the other person and explain, as clearly as possible, what it is that you consider unacceptable about their behaviour and ask them to stop behaving in this way.
- You could enlist the help of a peer to find ways of bringing the topic of harassment, bullying or victimisation into a conversation in the presence of the person causing offence.
- If you do choose to contact the person, you might wish to seek advice or support beforehand from your Tenancy Support and Wellbeing Coordinator

If you do decide to raise your concerns directly with the person concerned, face-to-face, you might wish to invite someone else to be present when you are having the conversation. If you decide to raise your concerns in writing, you should keep copies of relevant pieces of correspondence. In either case, it may be advisable to note down factual information.

If you feel able to take personal action to raise concerns, and feel comfortable about doing so, this can often be an effective and relatively low-key method of resolving issues.

2. If a tenant believes they are being bullied or harassed by the guest of another tenant, we would in the first instance ask that the guest not be invited back to the property. If the guest continues coming to the property and bullying or harassing the first tenant, it will be considered the responsibility of the tenant who invited the guest. The following procedure should be followed as if it was the inviting tenant behaving in this way. This should be made clear to the inviting tenant when asked not to invite the guest back to the property.

4.2 Mediation through Unipol

If taking personal action is not possible or appropriate, you can ask Unipol for help. The Tenancy Support and Wellbeing Coordinator can offer mediation between you and the perpetrator in two forms:

- **Direct Mediation:** a managed meeting and each side has the opportunity to state their case, listen to others, discuss and negotiate compromise.
- **Shuttle Mediation:** the Tenancy Support and Wellbeing Coordinator will speak to each individual involved and discuss their case, report back to the others and mediate some compromise with all involved.

Each complaint is taken on a case-by-case basis and the Tenancy Support and Wellbeing Coordinator will discuss options with you and offer advice and support on what they believe is the best course of action.

No action will be taken without your express permission, unless Unipol believe that there is a serious wellbeing concern or a potentially criminal act that could damage persons or property may occur. If this is the case, any action that Unipol take will be discussed with you in detail.

Mediation is often a very successful method of dealing with instances of bullying and harassment in its earlier stages. However, if you do not believe that this is an appropriate procedure, please consider one of the other options.

When dealing with a complaint of bullying and harassment, Unipol will often focus on supporting the victim. As a private landlord, Unipol has no power to fine or discipline tenants. A tenant's legal rights also mean we are unable to evict those accused of matters like bullying or harassment easily or quickly, and certainly not within the usual span of a student tenancy agreement of 12 months or less, and therefore often cannot take action against the perpetrator.

4.3 Reporting to the perpetrator's university

Each student, when entering a university, will agree to the university's Code of Conduct. This can be named differently within each institution, but will almost certainly include an anti-bullying and harassment policy, and a procedure for dealing with accusations of this kind. Universities are likely to place additional weight on allegations that include discrimination involving a protected characteristic such as racism, homophobia or ableism.

As a member of the university, typically each student is bound by this procedure, even while in private accommodation. Therefore, it might be more effective for you to make your university aware of the situation. If you are unsure of how to do this, your Tenancy Support and Wellbeing Coordinator will be able to assist you; this could be to show you where to make a complaint or make a complaint on your behalf.

If the perpetrator attends a different institution to you, you are still entitled to make a complaint to their university even if you are not a student with them. It is also advised that you let your university know as they may be able to offer you support. Again, your Tenancy Support and Wellbeing Coordinator can help you with this.

It should be noted, however, that each institution will react to the complaint in different ways. While Unipol will help support you during your complaint, we are not responsible for the final outcome and action which the university in question chooses to take.

4.4 Finding alternative accommodation

There may be situations where you no longer feel comfortable or safe living with the perpetrator. In these circumstances, Unipol would look to find you alternative accommodation or help you leave your tenancy.

Unipol will always try to find you alternative accommodation within Unipol's portfolio which you feel comfortable with. However, it must be noted that Unipol has limited number of properties which are often full throughout the year. If Unipol do not have anything available in our portfolio, or you deem what is available unsuitable, Unipol would discuss options for leaving your tenancy.

Leaving is possible under two circumstances:

- Finding a replacement
- Applying for Tenancy Release

As a tenant, you have signed a legally binding contract which means that you are liable for the rent for the duration of the contracted period. If it becomes unsafe or unbearable to live with a co-tenant, depending on the circumstances it might be an option for you to find someone else to take over your tenancy. Unipol can help support you in this and details on how can be found [here](#)³.

In more extreme circumstances, it might be more appropriate to apply for Tenancy Release. Your Tenancy Support and Wellbeing Coordinator will be able to advise when they believe you will be considered for Tenancy Release. This is applied to through the Director of Finance. Tenancy Release normally only be granted if there is a direct risk of harm, significant evidence of bullying or harassment or all other options have been exhausted. While Unipol will always do what they can to support a victim of bullying or harassment, please note that Tenancy Release is considered a 'last resort' and may not be offered. For more information on Tenancy Release, please visit [this](#)⁴ website .

It is important to re-iterate that Unipol is unlikely to be able to force the person accused to leave their property. Each tenant has significant rights protected by law to occupy their home, and a Unipol would need to take court action to evict a tenant.

The eviction process is purposely difficult for landlords to go through to protect tenants. **Section 8 of the 1988 Housing Act**⁵ , specifies 17 grounds which someone can be evicted. Complaints regarding bullying and harassment come under Ground 14, which states:

3. <https://www.unipolhousing.org.uk/unipol-tenants/moving-out/wishing-to-leave-the-tenancy-early>

4. <https://www.unipolhousing.org.uk/unipol-tenants/moving-out/wishing-to-leave-the-tenancy-early/special-circumstances/>

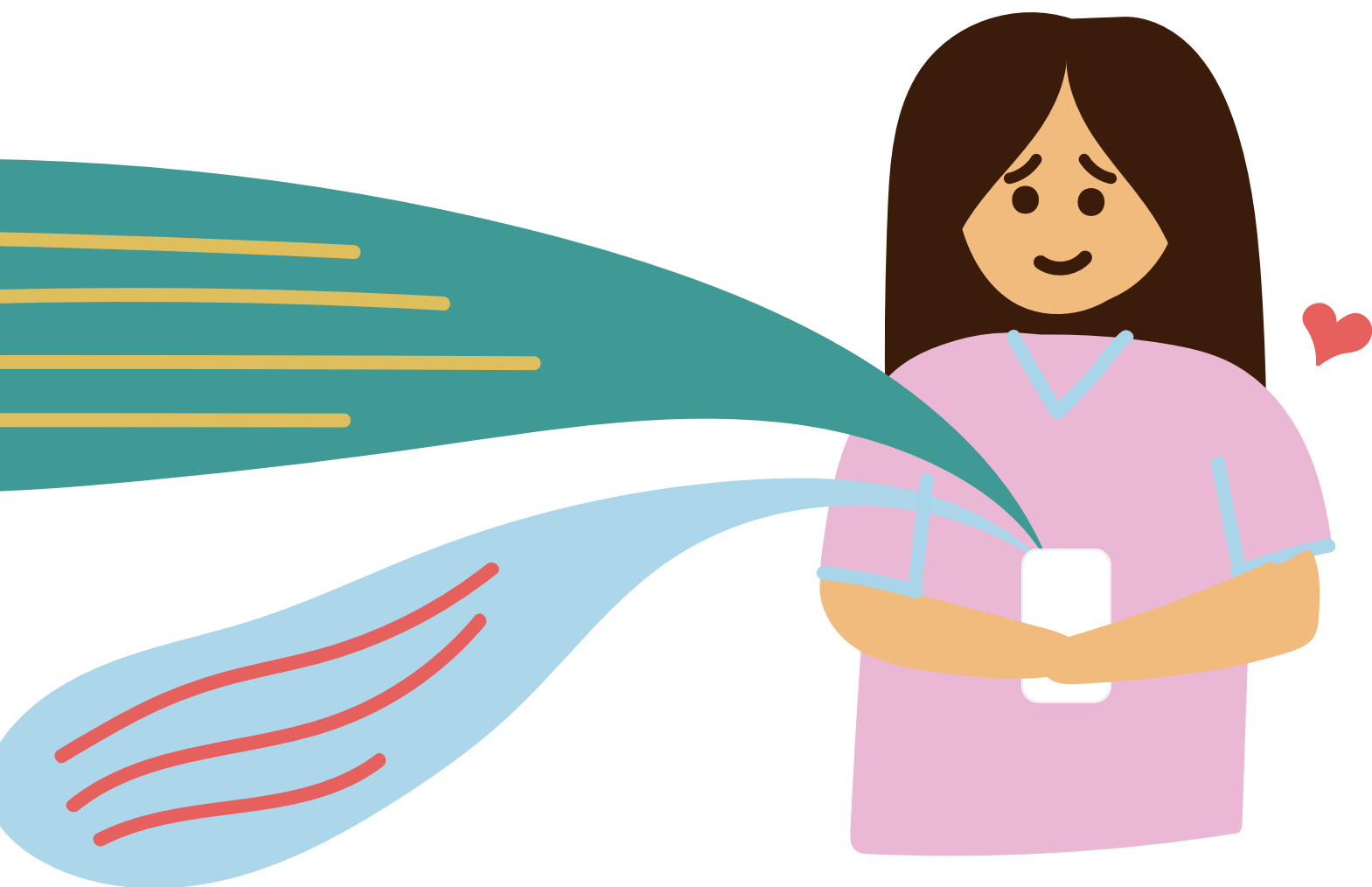
5. <https://www.legislation.gov.uk/ukpga/1988/50/schedule/2/enacted#:~:text=Ground%208&text=if%20rent%20is%20payable%20yearly,lawfully%20due%20from%20the%20tenant>

The tenant or any other person residing in the dwelling-house has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers, or has been convicted of using the dwelling-house or allowing the dwelling-house to be used for immoral or illegal purposes.

Should Unipol wish to apply for a Section 8 eviction with the courts, significant evidence that the tenant has been guilty of such conduct would be needed for the courts to approve the eviction request. In addition, the behaviour needs to be very significant for the court to consider eviction reasonable. For more information on this, see [here](#)⁶.

In most cases, Unipol would have insufficient evidence to take such a case to court and experience has shown that courts rarely consider eviction a reasonable and proportionate response to issues of this nature. Even if successful, the whole eviction process takes about 6 months and therefore often it is better to pursue other options like mediation or finding alternative accommodation for the victim, rather than evict the perpetrator.

**For any questions related to this procedure, please contact
Tenancy Support on tenancysupport@unipol.org.uk**



6. <https://legalforlandlords.co.uk/section-8-grounds-for-eviction/>