

Cernach Housing Association

Racial Harassment Policy and Procedure



Section One – Racial Harassment Policy

1. POLICY STATEMENT

- 1.1 Cernach Housing Association will not tolerate any level of Racial Harassment or Violence affecting its tenants, staff or Management Committee members. This policy and the procedures primarily relate to how the Association will respond to tenants being the victim of racial harassment or deal with tenants who we have grounds to believe are carrying out racially motivated attacks or harassment. The Dignity at Work policy, Aggression and Violence at Work policy, Code of Conduct for Staff, Code of Governance and Disciplinary procedures also support this policy when complaints are against staff and or Committee members.
- 1.2 In the case of where a member of staff racially harasses a tenant the tenant will be assisted under these procedures and the complaint against the member of staff should be dealt with and investigated in accordance with the Association's disciplinary procedures. However, in a case where any member of staff racially harasses another member of staff, the complaint should be dealt with in accordance with the Dignity at Work policy. Depending on the outcome of the complaint the Aggression and Violence at Work policy and Disciplinary procedures may be invoked.
- 1.3 In the case of where a member of the Management Committee racially harasses another member of the Management Committee, the Committee member will be assisted under these procedures and the complaint against the member of the Management Committee should be dealt with and investigated in accordance with the Code of Governance and the rules. If a Management Committee member harasses a staff member this will be dealt with in accordance with the Dignity at Work policy.
- 1.4 No resident should live in fear of racial harassment or violence. Cernach Housing Association is committed to ensuring the safety and security of people and their homes and neighbourhood. We value all of our tenants and are committed to enabling them to live safely and securely within their homes. However, we recognise that some tenants, particularly those from black and minority ethnic communities, are more likely to experience racial harassment. To this end we will take firm action to eradicate any form of racial harassment.

This policy statement outlines how we deal with racial harassment and how our tenants and other agencies can support us in challenging racial as well as other forms of harassment.

- 1.5 Racial harassment will be defined by reference to the victim's perceptions of the cause of their harassment. The Association will make every effort to ensure that victims of racial harassment are aware of their rights and what remedies are available to protect them. The support and advice of community groups and other agencies will be sought to enable an effective response.
- 1.6 Racial harassment is a serious breach of the Tenancy Agreement, which can lead to eviction.
- 1.7 The Association will deal vigorously with racial attacks and harassment and use every available legal action against perpetrators, including prosecution and eviction. We will provide practical support for victims of racial harassment to protect them from further harassment and work in partnership with other agencies to create an environment which encourages racial harmony.
- 1.8 If a crime has been committed and the person wishes to pursue the matter, the Police will be contacted immediately since delay may prejudice the outcome of criminal procedures.
- 1.9 We will regularly monitor incidents of racial harassment, record follow-up measures and review the effectiveness of the procedure. We will seek feedback from tenants individually and collectively to learn from our experience of handling cases and to publicise our commitment to and arrangements for combating all harassment

2. IDENTIFICATION OF RACIAL HARASSMENT

- 2.1 Racial Harassment should not be confused with neighbour disputes, general nuisance or vandalism, which are experienced by people of all races alike. There may of course be elements of any or all of these in a racial harassment case.
- 2.2 The report on the Stephen Lawrence Inquiry (1999) defines a racist incident, which includes racial harassment, in the following terms.
'A racist incident is any incident which is perceived to be racist by the victim or any other person'.

The inquiry recommended the term 'racist incident' must be understood to include crimes and non crimes in policing terms, and that this definition be adopted by the Police, local authorities and other relevant agencies. This definition places emphasis on the victim's perception the incident is racist. This policy and procedures are based on this definition.

2.3 Racial harassment and abuse can occur in a variety of forms. Whilst this list is not exhaustive it indicates the range of unacceptable behaviour.

- a) Racial abuse - verbal and written.
- b) Racially abusive behaviour such as spitting, threats, theft, offensive items left on doors and posted through letterbox.
- c) Physical assaults on victims, their dependants and relatives.
- d) Incitement - stirring up racial hatred by a variety of means such as petitions, leaflets and stickers.
- e) Damage to property - such as racist graffiti and slogans, bricks through windows and doors, damage to cars, other possessions and arson.
- f) Threats to wellbeing or life - such as lighted matches or rags being put through a letterbox.
- g) Behaviour such as wearing racist badges or insignia.
- h) Racist graffiti.

3. PREVENTION

3.1 These guidelines are intended to provide guidance to staff in dealing with incidents of reported racial harassment. However, the Association should take a pro-active approach to the possibility of racial harassment.

3.2 All tenants should be advised that racially harassing neighbours is a breach of the tenancy agreement and the consequences of such breaches could include being made intentionally homeless.

3.3 Close liaison with the Police and Community Groups is essential to monitor cases and identify trends in racial harassment in particular areas.

4. RISK MANAGEMENT

4.1 The Association has considered the potential risks facing the Association should the policy on Racial Harassment fail to be adhered to.

- 4.2 The Association recognises that it has responsibilities for the welfare of its tenants and expect tenants to respect the rights of their neighbours to live without nuisance or harassment. Failure to take and investigate complaints of racial harassment thoroughly and take early corrective action would have a detrimental impact on our tenants quality of life, the Association's reputation and ultimately lead to the Association's area becoming undesirable and as a consequence the housing stock proving difficult to let.

5. EQUALITY & DIVERSITY

- 5.1 The Association's Equality and Diversity policy, which was approved by the Committee in April 2015 following community consultation, outlines our commitment to promote a zero tolerance to unfair treatment or discrimination to any person or group of persons, particularly on the basis of any of the protected characteristics¹. This includes ensuring that everyone has equal access to information and services and, to this end, the Association will make available a copy of this document in a range of alternative formats including large print, translated into another language or by data transferred to voice.
- 5.2 We are also aware of the potential for policies to inadvertently discriminate against an individual or group of individuals. To help tackle this and ensure that it does not occur, best practice suggests that organisations carry out Equality Impact Assessments to help identify any part of a policy that may be discriminatory so that this can be addressed (please see section 6 of the Equality and Diversity Policy for more information).
- 5.3 In line with section 6.3 of the Equality and Diversity Policy, the Association will apply a screening process based on that recommended by the Equality and Human Rights Commission to ascertain whether each policy requires an Impact Assessment to be carried out. The screening process was applied to this policy and it was decided that an impact assessment is required. Please refer to Appendix 1.

¹ The Equality Act 2010 identifies the "protected characteristics" as age, disability, marriage and civil partnership, race, religion or belief, gender, gender reassignment and sexual orientation.

6. LEGISLATIVE & REGULATORY FRAMEWORK

- 6.1 The Association's approach to dealing with racial harassment is based on good practice, the Scottish Social Housing Charter. The key legislation governing this policy is the Housing (Scotland) Act 2001, and the Race Relations (Amendment) Act 2000, The Criminal Justice (Scotland) Act 2003, and the Anti Social behaviour Bill (Scotland) 2003, the Housing (Scotland) Act 2010 and the Equality Act 2010. In implementing this policy the Association complies with The Scottish Social Housing Charter outcome 6. "tenants and other customers live in well-maintained neighbourhoods where they feel safe". Where appropriate, we work in partnership with others to prevent and manage such behaviour".

7. THE ASSOCIATION'S APPROACH TO RACIAL HARASSMENT

7.1 **Victim-Centred Approach**

Where the victim believes that the harassment is racially motivated, the investigation will begin from that premise and explore all avenues for evidence to substantiate this belief. We will adopt the Stephen Lawrence Inquiry definition of a racist incident when making investigations (see section 2.1)

7.2 **Investigation**

We will investigate complaints received in person or by letter or by phone with the minimum of delay between receiving the complaint and a formal interview of the victim being carried out. If the victim prefers to speak in their first language, we will follow best practice when arranging a qualified interpreter to assist in the interview.

7.3 **Property Repairs**

We will treat repairs, including the removal of graffiti, arising as a result of racial harassment as an emergency, and where possible will provide such additional security measures as are necessary. Where the perpetrators have been identified we will charge the cost of any repairs to them.

7.4 **The Role of Our Tenants**

Tenants who live near Victims of racial harassment can play an important role in helping to support Victims. They can establish a climate where harassment is unacceptable. This can help deter perpetrators.

7.5 The Role of Other Agencies

We will work with other agencies, including the Police and the Anti social Behaviour Forum to ensure that evidence is gathered which satisfies legal requirements. We will also ensure that systematic records of all complaints and decisions taken in relation to complaints are kept.

- a) We will ensure that the victim is kept fully informed of the course of the investigation and the choices available, involving her or him fully in the decision-making processes.
- b) We will ensure that any third parties / contractors we employ adopt this or other acceptable policies covering anti-discrimination and racial harassment and will make this a contractual obligation.

7.6 Training

We will make all our employees and Management Committee members aware of the policy. We will provide all employees with on-going support and guidance along with training in the actions they should take in cases of racial harassment. We will monitor the effectiveness of this training

7.7 Monitoring the Policy

All incidents will be recorded, monitored and treated in confidence. Reports will be presented to the Housing Management Committee on a regular basis, and treated in confidence.

8. POLICY REVIEW

- 8.1 This policy will be reviewed every three years or sooner as deemed necessary by the Management Committee or by Legislation.

APPENDIX 1

EQUALITY IMPACT ASSESSMENT

Is further action required?	Yes
Is the action achievable?	Yes
Timescale for action	Year End Report (see 4.1)

1. Aims of the policy

a) What is the purpose of the policy?

- To outline the Association's commitment to equality and diversity
- To ensure that we never act in a discriminatory manner towards any individual or group
- To outline the guiding principles of our equality and diversity thinking and to re-affirm our zero tolerance approach
- To inform our Equality and Diversity Action Plan
- To help ensure that we meet our obligations with regard to legal, regulatory and best practice requirements

b) Who is affected by the policy/who will benefit from the policy and how?

- Cernach tenants and others who live in our properties
- Owners who may participate in improvement schemes
- People who live in our area of operation and housing applicants
- Staff and Management Committee
- Contractors and consultants who are required to observe the policy
- Partner agencies and other organisations who contact us

c) Who is be responsible for delivering the policy?

The Housing Services Manager on a day-to-day basis and ultimately the Management Committee

d) How does the policy fit into our wider or related policy initiatives?

The policy is linked to the Dignity at Work policy, Aggression and Violence at Work policy, Code of Conduct for Staff, Code of Conduct for Staff and Code of Governance and Disciplinary procedures.

2. What do we already know about the diverse needs and/or experiences of our target audience?

Do we currently have information on:

Age	Yes	✓	No	
Disability	Yes	✓	No	
Marriage and Civil Partnership	Yes	✓		
Pregnancy and Maternity	Yes	✓		
Race	Yes	✓	No	
Religion and Belief	Yes		No	✓
Gender	Yes	✓		
Gender Reassignment	Yes		No	✓
Sexual Orientation	Yes		No	✓

Tenants and other residents

2.1 Whilst we require to update and broaden the information we have on tenants and other residents, we would expect all of the protected characteristics to be represented within this target audience. One of the main barriers to equality in service provision is likely to be inaccessibility. The policy outlines our commitment to addressing this and, further, it requires us to be proactive in seeking out and responding to all the communications and access needs that may exist.

2.2 The policy helps us ensure that we are providing service that are responsive to the requirements of all groups.

Owners who are Factored by Cernach HA

2.3 As at 2.1 and 2.2, above.

2.4 People who live in the local area and housing applicants

As at 2.1 and 2.2, above.

Staff and Management Committee

- 2.5 The policy ensures that we observe equality and diversity issues in employment and in the recruitment of Management Committee members. The office and Committee areas are accessible and the policy allows information to be provided in any format that would make it possible for staff or Committee to better fulfill their roles.
- 2.6 All staff and Committee are made aware of theirs and the Association's rights and responsibilities in relation to equality and diversity and receive periodic training. They know about the Association's zero tolerance approach and are aware of how to raise any concerns.

2.7 Contractors and consultants and partner organisations

The policy requires the Association to observe equality and diversity issues in the procurement of consultants and contractors and our relationships with partner organisations.

- 2.8 Any contractors or consultants working for or representing the Association are made aware of our commitment to equality and diversity and are advised of our expectations in terms of how we require them to observe our policy at all times. Any consultants/contractors or anyone representing a partner organisation who feel they have been discriminated against are aware of how to raise these concerns.
- 2.9 The policy requires action to be taken against any consultants or contractors found to be in breach of our policy.

3. What does the information we have tell us about how this policy might impact positively or negatively on the different groups within the target audience?

- 3.1 We have some information on age, disability, gender and race/ethnicity but this mainly relates to tenants and housing applicants and requires to be updated regularly in order to remain accurate. We have not yet

collected information on sexuality and religion/belief, but this is being introduced and, over time, we will begin to build up a picture of sexuality and religion/belief of our tenants and other stakeholders. This information will be analysed and we will consider setting targets by June 2014.

- 3.2 The Equality and Diversity Action Plan, approved by the Management Committee in April 2012, will address in more detail what the impact may be on the different groups within our target audience.

4. Do we need to carry out a further Impact Assessment?

- 4.1 At each year end, when reporting to Committee, if we have any cases of racial harassment then a further Impact Assessment will be carried out.

5. How will we monitor and evaluate this policy to measure progress?

- 5.1 Ongoing monitoring by staff and an annual written report Management Committee and annual revision of the Equality and Diversity Action Plan (any issues or concerns highlighted by the ongoing staff monitoring will be reported to the Committee via an exceptions report). We will also produce an article in the Annual Report which is sent to tenants and members.