

Previous Review: August 2007

Date: November 2010

Review Date: November 2013

RACIAL HARASSMENT POLICY

1.0 Key Objective

To clearly define our commitment to the rights of all Council tenants to live in safety and security within their homes and neighbourhood regardless of their racial or ethnic group.

Also to lay out a timely and supportive multi-agency response to any incidents of racial harassment taking place within our housing stock and estates. It underlines our determination to use every available legal action against perpetrators of such incidents.

2.0 Strategic Links and Context

Legal Framework

Housing Act 1985 as amended 1996

Crime and Disorder Act 1998

Anti Social Behaviour Act 2003

Human Rights Act 1998

Environmental Protection Act 1990

Protection From Harassment Act 1997

Regulation of Investigatory Powers Act 2000

Equality Act 2010

Guiding Principles

Stephen Lawrence Inquiry/Macpherson Report

Community Strategy for South Lakeland

Agenda 21

Conditions of Tenancy

Home Office Guidance on Reporting of Racial Incidents

CRE, Code of Practice in Rented Housing

CLG, Tackling Racial Harassment: Code of Practice for Social Landlords

3.0 Definitions

'A racist incident is any incident which is perceived to be racist by the victim or any other person'
(Macpherson 1999)

For the purpose of this policy the definition of race and ethnicity is the standard definition adopted by the CRE and the England and Wales Census Question, 2001.

Racial harassment refers to a range of criminal and offensive behaviour motivated by hostility towards someone because of his or her ethnicity, appearance, race or national origin. It includes not only physical assaults, but verbal abuse, threats or insults, damage to buildings and property. Attacks and harassment are presumed to be racial if:

- They involve explicit racial insults or abuse
- They are targeted only or primarily at members of specific groups or communities
- The offenders have been known in the past to engage in racist abuse and threats
- The offenders have previously been warned that their behaviour causes distress and that it has the appearance of being racially motivated
- The offenders are members of, or are associated with, an organization known to promote or support racist views
- Their effect is to make the victim feel that they have been attacked or threatened because of their ethnicity, culture, community, appearance, race, or nationality and therefore feel less safe and secure in their homes and less free to walk in the streets of the neighbourhood.

Examples of Racial Harassment

Harassment can take many forms. The following list is illustrative but not exhaustive:

Threats to the person

- Unprovoked physical assaults
- Threatening or abusive letters and telephone calls
- Verbal abuse including name calling and swearing
- Repeated and unfounded or trivial complaints against a tenant or groups of tenants
- Threatening or abusive behaviour, e.g. spitting
- Failure to control dogs

Damage to the home

- Vandalism to property
- Graffiti
- Arson or attempted arson including pushing litter or inflammable materials through doors or windows
- 'Flooding out' properties intentionally
- Activities intended to deter a person from occupying a particular dwelling

Harassment Outside the Home

- Placing excrement or rubbish near or in homes
- Placing offensive items near homes
- Damage to property used by a particular group including meeting places or community centres
- Vandalism of vehicles

- Attacks on shops or businesses
- Graffiti

4.0 **Policy Statement**

We are committed to ensuring that our tenants can live in safety and security within their own homes and neighbourhood. We recognize that all tenants, regardless of their racial group, may experience neighbour disputes, antisocial behaviour or vandalism. However, we also recognize that racial harassment is far more menacing and more likely to be experienced by individuals and/or their families because of their colour, racial and/or ethnic origins.

We will take action against tenants who we have grounds to believe are carrying out racially motivated attacks or harassment. Action will equally be taken against the tenant if the harassment is being carried out by either another resident in that tenant's property or a visitor to that tenant's property.

Such acts may be physical or verbal and would include:

- 1) interfering with the peace of the victim
- 2) causing nuisance or annoyance to the victim
- 3) causing the victim to fear for his or her safety within the home or the surrounding area

We will:

- act promptly and effectively in investigating incidents of racial harassment
- provide practical support for victims of racial harassment to protect them from further harassment and identify and take action against the perpetrators of harassment
- monitor incidents of racial harassment and the effectiveness of the policy and procedure and review at least every three years or as necessary due to any legislative changes
- work in partnership with other agencies to create an environment which encourages racial tolerance

5.0 **Victim Centred Approach**

We operate a victim-centred approach, i.e. where the victim believes that the harassment is racially motivated, the investigation will begin from that premise and the racial harassment procedure will be implemented.

6.0 **Investigation**

We will investigate complaints received in person or by letter or by phone or email. An interview with the victim should take place within 24 hours of receiving the initial complaint or the next working day. The investigation will follow the Anti-Social Behaviour Policy. It will also be carried out in line with the Home Office Guidelines on Reporting Racist Incidents.

If the victim's first language is not English and they prefer to use their first language, we will take all reasonable steps to ensure that an interpreter is present to assist in the interview. This could be accessed remotely via a telephone service.

If the victim wishes, an advocate could be engaged to help facilitate an independent interview. Suitable arrangements will also be offered if the victim has a physical or learning disability, or a mental health problem. There may also be a necessity for physical assistance for a disabled person to leave or move out of their home.

7.0 Action Against Perpetrators

It is our policy to take firm action against any tenant or other person living with or visiting the tenant who perpetrates racial harassment. Action will include injunctions, demoted tenancies, the pursuit of prosecution for criminal offences and the ultimate sanction of eviction against Council tenants. We will take all practical measures to ensure that the perpetrators are identified.

Legal action may be taken against any person or persons who perpetrate racial harassment against any of our tenants or damage or deface council property.

However, such action will take into consideration whether or not the victim wishes to proceed with the matter. We will offer appropriate support to the victim in all circumstances.

8.0 Property Repairs

We will treat all repairs, including the removal of graffiti, arising as a result of racial harassment as an emergency and will provide such additional security measures as are reasonably practicable. Where the perpetrators have been identified we will endeavour to recover the costs of any repairs from the perpetrator.

9.0 Rehousing of Victims

We will offer emergency rehousing where there is serious physical or psychological injury suffered by the tenant or members of the tenant's household, or where damage to their property is such that it is not reasonable for them to occupy the property at that time.

We recognize that victims of harassment may wish to move from the property or area where problems are experienced. We will deal with each case sensitively and on its merits based on the evidence gathered. Such moves would be dealt with on a priority basis as a management transfer.

10.0 Challenging Racial Harassment

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. The Racial Harassment Policy should be well advertised and promoted through newsletters, our website and reception areas and at tenancy sign-ups. It is essential that tenants are aware of their responsibilities under their conditions of tenancy including the unacceptability of racial harassment.

The Role of Resident Associations

Residents associations and tenants' representatives play a vital role in establishing an environment that encourages racial tolerance. They can offer support and a point of contact for victims and they are ideally placed to promote and publicize the unacceptability of racial harassment within their community.

The Role of Other Agencies

We will work with mediation services where appropriate and with other agencies within the South Lakeland Crime and Disorder Reduction Partnership including the police and community support agencies. This will ensure that evidence is gathered which satisfies legal

requirements and support is provided to victims. Systematic records will be kept of all complaints and decisions taken in relation to the complaints. We will ensure that the victim is kept fully informed at each stage of the investigation and of the choices available.

Training

We will ensure that all our employees and Board members are aware of the policy. We will provide on-going training for relevant employees as to the procedures they will need to implement in cases of racial harassment. Awareness training will also be available for Area Panels and local residents associations.

Refresher training and further training where legislation changes or in pursuit of best practice will also be provided.

11.0 Monitoring and Consultation

All incidents will be recorded, monitored and treated in confidence. Statistics will be reported to the Crime and Disorder Reduction Partnership on a quarterly basis for the purpose of future strategy and forward planning. The statistics will also be reported to the Board and Tenants Committee on a regular basis. Local District Council members will be alerted to any serious cases in their wards as and when they occur though the specific details of the victims will be kept confidential.

Such incidents will be incorporated in the annual report made to tenants via the tenants newsletter.

12.0 Service Development and Review Priority

Changes to the service may take place as the result of the work of relevant Service Improvement Groups with tenant representation. The policy will be reviewed at least once every three years to ensure that it is meeting the current needs of the community and to ensure that it takes into consideration any changes to legislation at any given time.

13.0 Equality and Diversity

South Lakes Housing recognises that there is a broad range of visible and non-visible differences that characterise its tenants. Some of these qualities include race, religion, culture, nationality, ethnic background, colour, disability, sex, sexual orientation, age, literacy and income level. By understanding and respecting this diversity it is able to set a policy which ensures that all tenants are able to access services provided by South Lakes Housing in an equitable manner.

South Lakes Housing is committed to providing information and services equally and without discrimination so that they meet the needs of all sections of the community who are either housed by South Lakeland District Council, living near properties managed by South Lakes Housing or seeking access to or information on housing services in the South Lakeland area. In carrying out all housing management policies, South Lakes Housing's Equality and Diversity Policy will be adhered to.

