



RACIAL & OTHER FORMS OF HARASSMENT

- 1.0 POLICY**
- 2.0 PURPOSE**
- 3.0 LEGISLATION**
- 4.0 BACKGROUND**
- 5.0 DEFINITION**
- 6.0 TYPES**
- 7.0 IDENTIFICATION**
- 8.0 REACTION**
- 9.0 COMPLAINTS OF RACIAL HARASSMENT**
- 10.0 PROCEDURE**

ANNEXES

- A INCIDENT FORM**
- B CHECKLIST**
- C RECORD OF INCIDENTS**
- D ADDRESSES OF CONTACT ORGANISATIONS**
- E REPORTING FORM**

RACIAL HARASSMENT

This policy document has been designed to deal with incidences of Racial Harassment, but should also be followed and adapted as necessary when dealing with complaints attributable to other forms of harassment e.g. those of a sexual nature or against people with mental health problems; learning or physical disabilities; HIV; gays and lesbians etc.

1.0 POLICY

- 1.1 It is Linstone Housing Association Limited's policy to deal with racial harassment by:
- a) supporting and offering effective help to the victim(s)
 - b) taking appropriate action against the perpetrator(s)
 - c) taking every possible step to eliminate racial harassment
 - d) monitoring all reported racial harassment incidents and to take action as appropriate
 - e) working in partnership with the police, social work, race equality councils and other organisations as appropriate
- 1.2 Linstone's policy is applicable to Linstone tenants, their families, other occupants and their visitors.

2.0 PURPOSE OF THE POLICY GUIDANCE NOTE

- 2.1 The purpose of this module is to provide guidance for staff in relation to Linstone's policy on, and the procedures to be followed when dealing with, racial harassment. They have been drawn up in line with legislation and with recommendations made by the Commission for Racial Equality. Linstone recognises that all forms of harassment, but particularly racial harassment, can cause great distress to the victim(s).

3.0 LEGISLATION

- 3.1 Linstone has a statutory duty under Section 71 of the Race Relations Act 1976 to ensure that all its functions are carried out with due regard to the need:
- a) to eliminate unlawful racial discrimination
 - b) to promote equality and opportunity and good relations between persons of different racial groups

4.0 BACKGROUND

- 4.1 Racial harassment is a very serious offence which is referred to in the *Scottish Secure Tenancy Agreement*. Harassment is racially motivated where a person(s) is/are targeted for unwelcome behaviour because of their colour, race, nationality or ethnic origin. Most commonly it is directed against people from visible minority-ethnic communities, but can also be against members of other ethnic minority groups.

- 4.2 Linstone will take appropriate action against the perpetrator(s) whenever possible. This may range from verbal warnings or written warnings to legal action such as interdict or repossession of the home of a tenant where applicable. See Section 10 for guidance on appropriate action.
- 4.3 Linstone will be prepared to rehouse the victim. Sympathetic consideration will be given to offering alternative accommodation where requested by the victim. The severity of the harassment will be the major factor in the determination by the Housing Services Manager.
- 4.4 Linstone will explain their policy on racial harassment to all new tenants when they sign their *Scottish Secure Tenancy*. The particular clauses which should be highlighted are:

3.1 You, those living with you, and your visitors, must not harass or act in an anti-social manner to, or pursue a course of anti-social conduct against, any person in the neighbourhood. Such people include residents, visitors, our employees, agents and contractors and those in your house.

3.2 'Anti-social' means causing or likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to anyone's property. Harassment of a person includes causing the person alarm or distress. Conduct includes speech. A course of conduct must involve conduct on at least two occasions.

3.3 In particular, you, those living with you, and your visitors must not:

- make excessive noise. This includes, but is not limited to, the use of televisions, hi-fi's, radios and musical instruments and DIY tools;*
- fail to control your pets properly or allow them to foul or cause damage to other people's property;*
- allow visitors to your house to be noisy or disruptive;*
- use your house, or allow it to be used, for illegal purposes;*
- vandalise or damage our property or any part of the common parts or neighbourhood;*
- leave rubbish in unauthorised places;*
- allow your children to cause nuisance or annoyance to other people by failing to exercise reasonable control over them;*
- harass or assault any person in the house, or neighbourhood, for whatever reason. This includes that person's race, colour or ethnic origin, nationality, gender, sexuality, disability, age, religion or other belief, or other status;*

• use or carry offensive weapons.

3.4 In addition, you, those living with you, and your visitors must not do the following in an anti-social way:

- run a business from your house;*
- park any vehicle, caravan or trailer;*
- carry out work to any type of vehicle, caravan or trailer;*
- use or sell alcohol or drugs.*

The particular prohibitions on behaviour listed in paragraphs 3.3 and 3.4 do not

- in any way restrict the general responsibilities contained in paragraph 3.1 above.*
- 3.5 *You, those living with you, and your visitors, must not bring into the house or store in the house any type of firearm or firearm ammunition unless you have a permit.*
- 3.6 *You will be in breach of this Agreement if you, those living with you, or your visitors do anything which is prohibited in this part of the Agreement.*
- 3.7 *If you have a complaint about nuisance, annoyance or harassment being caused by a neighbour (or anyone living with him/her or his/her visitors), you may report it to us. We will investigate your complaint in accordance with our policy on anti-social behaviour. If, after investigation, there are good grounds in our opinion for your complaint, we will take reasonable steps to try to prevent the behaviour happening again. These steps may include mediation or legal action. A copy of our written policy about dealing with these kinds of complaints is available from us.*
- 3.8 *We will act fairly to you in all matters connected with your tenancy. We will not unfairly or unlawfully discriminate against you in any way on the grounds of your race, colour, ethnic origin, nationality, gender, sexuality, disability, age, religion or other belief or other status. If you believe we have acted unfairly to you in any way, you may wish to use our complaints procedure. You may also wish to take independent advice.*

- 4.5 Linstone will continuously review its policy and procedures taking account of comments made to us and based on statistical information.
- 4.6 All appropriate staff - particularly Admin Assistants, Allocations Officers, Housing Officers, Estate Managers and Housing Services Manager will receive training in order to make them more aware of racial incidents and to enable them to respond correctly when such incidents are reported.

5.0 DEFINITION

- 5.1 The Commission for Racial Equality has defined racial harassment in their publication "Living in Terror" 1987 as:

Racial Harassment is violence which may be verbal/physical and which includes attacks on property as well as on the person, suffered by individuals or groups because of their colour, race nationality or ethnic or national origins, when the victim believes that the perpetrator was acting on racial grounds and/or there is evidence of racism. This is likely to constitute violent, threatening and/or intimidating behaviour including vandalism to property and verbal and physical abuse calculated to interfere with the peace and comfort of individuals and groups because of their race.

6.0 TYPES

- 6.1 There are many forms of racial harassment. These include:
- a) racial abuse both verbal and written.
 - b) racially abusive behaviour – such as spitting, threatening behaviour, theft, offensive items left on doorsteps, etc.
 - c) physical assaults on the victim(s) – their dependants, relatives.
 - d) damage to property and possessions.
 - e) incitement to racial hatred – such as petitions, leaflets, notices, etc.
 - f) racist graffiti.
 - g) threats to well being or life – e.g. matches being put through a letter box.

7.0 IDENTIFICATION

- 7.1 It can be very difficult to identify a racially motivated incident as opposed to more general anti-social behaviour. The victim(s) may see vandalism, a gesture or hooliganism as a personal threat. All such incidents, whether racially motivated or not are serious but take on a much more serious and unacceptable note when there is a racial motivation.
- 7.2 It is important to note that racial harassment can be carried out by young children and adolescents as well as adults.
- 7.3 The victims perception must be the self determining factor in distinguishing between incidents of racial harassment and other forms of anti-social nuisance, i.e. if the victim claims that the incident was racially motivated then it should be accepted as being racial harassment rather than anti-social behaviour unless at a later date it becomes clear that this is not the case.
- 7.4 It must be borne in mind that incidents can be extremely frightening, disturbing and upsetting. Victims may be frightened of retaliation/reprisals if they report such incidents. Consequently we must treat all complaints of racial harassment sensitively and confidentially.
- 7.5 Victims of racial harassment may be suffering already outwith their own homes – at school, place of work, etc. Consequently what may normally be regarded as a “minor” incident as regarded much more significantly when the victim is also subjected to racial harassment at home.

8.0 REACTION

- 8.1 Linstone will follow the agreed procedures on all incidents of alleged racially motivated harassment. If such a complaint is made, it should be assumed to be racially motivated, unless there is clear evidence to prove otherwise.
- 8.2 Prompt action must be taken in support of the victim. Staff should inform the victim how the incident will be dealt with.
- 8.3 Graffiti/damage will be removed or repaired urgently – preferably within 24 hours. All such damage must be recorded/photographed as it may be useful in court proceedings for or against the rehousing of the victim(s).
- 8.4 All evidence should be preserved or recorded in such a way that it can be presented in court. The victim should be encouraged to log incidents such as the nature, time and date of incident.
- 8.5 Appropriate action will be taken against the perpetrators (see below).
- 8.6 Linstone will take action against tenants who are directly responsible for incidents of racial harassment and against tenants whose children, lodgers and other members of their household are responsible for such acts.
- 8.7 Linstone will aid the victim with interpretation and translation facilities where required.

9.0 COMPLAINTS OF RACIAL HARASSMENT

- 9.1 Linstone will treat a complaint as racial harassment if the victim(s) believes that action against them or their household/property is racially motivated. Such incidents will be treated in accordance with our policy and procedures.
- 9.2 Any complaint received will be:
 - a) treated confidentially.
 - b) actioned within 24 hours.
 - c) dealt with by, or with the full knowledge of, Housing Services Manager or an appropriate senior member of staff.
 - d) treated sensitively, seriously and sympathetically and staff will ensure that the victim is aware of this.
- 9.3 All complaints will be recorded on an incident form which will be signed by the Housing Services Manager. (See Annex A)
- 9.4 Linstone will not take any action without full consultation with the victim(s). We will help and support the victim in any way that we can, within the limits of what is reasonably practicable, to effect the appropriate solution in each individual case.

- 9.5 Before any action can be taken against the perpetrators the claim will be fully investigated and evidence will be required.
- 9.6 The Housing Officer must fully record and investigate all complaints of instances of racial harassment. The circumstances must be investigated in depth – both parties, any witnesses, where possible, must be interviewed at an early stage. If an interpreter is required, this should be arranged. If the victim(s) wishes to bring a friend and/or wishes to speak to a female member of staff, this should be allowed. All members of staff carrying out such interviews should be accompanied.
- 9.7 The complaint may be received in the following methods:
- a) verbally
 - b) in writing
 - c) by the observations by a member of staff, e.g. graffiti
 - d) through a third party – witness, police, neighbour
- 9.8 The Director will ensure that the policy and procedures on Racial Harassment are being correctly implemented and will report all incidents to the Management Committee as and when requirement.

10.0 PROCEDURE

- 10.1 It is difficult to set out exactly what action should be taken as each case will be different and should be dealt with according to the individual circumstances. Annex B provides a checklist for action.
- 10.2 In minor and isolated incidents the Housing Officer and/or Estate Manager (Tenancies and Property) must visit the victims and the offending person(s) where possible and give a verbal warning that further action will be taken if racial harassment continues. The verbal warning may be backed up by a letter from the Housing Services Manager.
- 10.3 Staff should advise the victim to report the incident to the police. Staff may also report the incident to the police, after consultation with the victim, if they feel the severity of the incident warrants it.
- 10.4 In serious and or persistent cases the Estates Manager/Housing Services Manager and Director will all be involved. The Housing Services Manager/Director may decide to apply for an interdict or commence proceedings for repossession, if appropriate, against the family who are causing the trouble. As with cases of anti-social behaviour it is important to build as strong a case as possible to ensure that court action will be successful. Where possible, the victims and any witnesses, should make their complaints/statements in writing. They should also be asked if they would be prepared to appear in court if necessary.
- 10.5 The victim should be asked to keep a diary of all incidents as this may be extremely useful in court proceedings or in establishing harassment to assist in rehousing. An example is attached at Annex C.

- 10.6 Some victims may wish to move to alternative accommodation as a matter of urgency. Where an offer of alternative accommodation is made, the property should be of similar or better quality to the property they wish to move from. Consideration should be given to temporarily rehousing the victim(s), e.g. furnished accommodation if available, Local Authority temporary accommodation or a hotel. Alternative accommodation must also permit the victim to feel secure.
- 10.7 Staff must at all times consider claims of racial harassment sympathetically. Outside advice should be sought where appropriate. For example from the Commission for Racial Equality or the local Racial Equality Council, or Positive Action in Housing – (see Annex D for addresses of CRE and PATH).
- 10.8 Our role is to work with the victim(s) to find an acceptable solution in each case.
- 10.9 The Housing Services Manager must keep a comprehensive record of all Harassment claims (both racial and other types), the action taken and whether the matter has been satisfactorily resolved.
- 10.10 The Housing Services Manager will use the form at Annex E to report incidences of Racial and other types of harassment to the Management Committee.

RACIAL HARASSMENT – INCIDENT FORM

ANNEX A

1. Date: _____

2. Tenant affected:

Name: _____

Address: _____

Family details:
 (ages) _____

Ethnic Group:
 (Victim to self determine) please tick below:

Black Caribbean		Black African		Other Black Background		Indian		Pakistani	
Bangladeshi		Chinese		Other Asian Background		White Scottish		White Other British	
White Irish		Other White Background		Mixed Background		Unknown			
Other Ethnic Background - Please specify									

3. How was the incident reported to Linstone Housing Association? When:

4. Report of incident: When, Where, Who, What Happened, Witnesses.

5. Other agencies involved and their action:
 e.g. Police, SWD, Race Relations Council, CRE, Community groups, etc.
 (please attach separate sheet if necessary)

6. Action taken:

7. Action recommended:

8. Additional comments:

Signature: _____

Date: _____

Position: _____

Recommendation by Housing Services Manager

Signature: _____

Housing Services Manager

Date: _____

STAFF CHECKLIST

ANNEX B

1. Remember, you already have the skills for interviewing and dealing with anti-social complaints but be fully aware of the differences in approach.
2. If the victim perceives the complaint to be racially motivated assume it is until at a later date it becomes clear that this is not the case. The facts of the complaint still have to be established.
3. If possible visit the victim within 24 hours of the complaint being made.
4. Ensure you are always accompanied.
5. Determine where the interview should take place and whether the victim requires a friend or interpreter to be present. Would you prefer to be interviewed by a female/male member of staff?
6. Make notes of the interview. Record/photograph and damage/graffiti etc. Have you arranged for the damage/graffiti to be repaired/removed?
7. Are there any witnesses? Have you contacted them?
8. Have you contacted the perpetrator(s)?
9. Record **ALL** details of action that takes place.
10. Have you contacted the Police, the local Racial Equality Council, Commission for Racial Equality and Positive Action in Housing for advice?
11. What action have you taken against the perpetrator(s)? Verbal? Written? Is the action recorded?
 - a) Is legal action applicable?
12. Have you completed an incident form?
13. Ensure the victim is aware of the action you intend to take?
14. Is the victim satisfied with the action you propose to take? If not, why? Have you discussed the case with your line manager/Housing Services Manager/Director or the organisations in no. 10?
15. Does the victim wish to be rehoused? If so, does the severity of the incident(s) warrant this? Take advice as per no. 14.
16. Have you asked the victim to keep a diary? Have you given the victim a pro-forma to complete?

PERSONAL RECORD OF INCIDENTS

ANNEX C

It is essential for you to keep an accurate record of any further incidents of racial harassment. This is necessary as a basis for legal action.

NB This form could be translated into other languages for people who cannot read or write in English.

DATE	TIME	WHAT HAPPENED?	ANY ACTION TAKEN BY YOU?	WHO ELSE WAS THERE? (GIVE DETAILS)

ADDRESS LIST OF CONTACT ORGANISATIONS

ANNEX D

1. **POSITIVE ACTION IN HOUSING**

Third Floor
98 West George Street
GLASGOW
G2 1PJ

Telephone: 0141 353 2220

2. **COMMISSION FOR RACIAL EQUALITY**

Hanover House
45-51 Hanover Street
EDINBURGH
EH2 WPJ

Telephone: 0131 226 5186

Information can also be obtained from a network of local Racial Equality Councils. Contact your local Regional Council for details.

HARASSMENT – INCIDENT REPORTING FORM

ANNEX E

Month _____

Incident Number	1	2	3
Date			
Type of Harassment			
*Ethnic Group			
Family Comp	Adults		
	Children		
Nature			
Action Taken			
Agencies Involved			
Outcome			

*Code: Ethnic Group

- 1 Black Caribbean
- 2 Black African
- 3 Other Black Background
- 4 Indian
- 5 Pakistani
- 6 Bangladeshi
- 7 Chinese
- 8 Other Asian Background
- 9 White Scottish
- 10 White Other British
- 11 White Irish
- 12 Other White Background