

## Racial harassment policy

### 1.0 Purpose of policy

This policy sets out Brent Housing Partnership's (BHP) approach to dealing with incidents of racial harassment from service users in Council housing and gives clear guidelines for BHP staff when dealing with racially motivated incidents. By adopting an approach that places the victim at the centre of its policy to tackle cases of racial harassment, BHP hopes to support both victims and witnesses. This policy does not cover incidents or allegations in the workplace as these are set out in separate Human Resources procedures.

### 2.0 General Background

This policy has been drawn up in the context of the Macpherson Inquiry, which highlighted under-reporting of racially motivated incidents. There are approximately 110,000 racially motivated incidents a year (nationally) and it is estimated that only 10% of these incidents are reported; others are not recorded as racially motivated. Incidents may be overt or covert in nature and can affect all ethnic groups. Racial harassment is not mutual intolerance or anti-social behaviour, but is an intentional abuse of power by people who perceive themselves to be superior or stronger than others, based on prejudice and stereotypes. The effects on individuals can be devastating both psychologically and emotionally, including an individual being unable to let their children play outside, feeling like a prisoner in their own home, being constantly fearful of physical attacks and suffering depression; in some extreme cases, deaths have resulted from racial harassment.

### 3.0 Legal Background

#### 3.1 Race Relations Act 1976

According to the Race Relations Act 1976, discrimination on "racial grounds", includes colour, race, and nationality or ethnic or national origins. The 1976 Act renders unlawful racial discrimination and victimisation in certain circumstances.

#### 3.2 Race Relations Amendment Act 2000

The Race Relations (Amendment) Act 2000 strengthens and extends the scope of the 1976 Act by placing a duty local authorities to ensure that their functions are carried out with due regard to the need to eliminate unlawful discrimination and to promote racial equality and good relations between ethnic groups.

#### 3.3 The Housing Act 1985 & 1996

The Housing Acts provide a sanction against perpetrators of nuisance and anti-social behaviour, covering tenants and other persons who are affecting others. Although racial harassment is not provided for specifically, case law has held that racial harassment is included under the heading of "nuisance and annoyance".

Eviction for harassment may be achieved under two different grounds in Schedule 2 of the 1985 Act: Ground 1 covers breaches of the tenancy agreement (see 7.3 below) and Ground 2 is specifically for nuisance or annoyance and/or certain convictions. Under section 152 of the 1996 Act an injunction can be obtained against a person who has harassed people where the harassment included violence or threats of violence. A power of arrest may be attached to the injunction. Section 153 makes it possible for a landlord to have a power of arrest attached to other injunctions, where the perpetrator is their tenant and is in breach of their tenancy agreement.

### 3.4 The tenancy agreement

The Council's tenancy agreement specifically prohibits harassment on grounds of race or ethnicity. If tenants, or persons for whom tenants are responsible, perpetrate racial harassment they are in breach of their tenancy agreement. Action for breach of tenancy can lead to eviction (under Ground 1 and/or 2 of Schedule 2 of the 1985 Act as above), or to an injunction requiring compliance with the terms of the agreement

### 3.5 The Human Rights Act 1998

Under this Act a victim suffering an abuse of one of the human rights will be entitled to complain to a court of law in the UK and seek compensation. Key rights in the housing context are:

- prohibition of discrimination
- respect for private and family life

### 3.6 Crime & Disorder Act 1998

Under this Act the Council may apply for an Anti Social Behaviour Order (ASBO) as a means of combating serious incidents of Racial Harassment where the perpetrator has behaved in a way that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as him or her.

### 3.7 Acceptable Behaviour Contract

An ABC may be useful in cases of racial harassment where the perpetrator admits that he or she should change his or her ways. The contract is not legally binding, but can be used to record an agreement between the council and the perpetrator, and provides useful evidence for any court action.

The above list is not exhaustive and officers should obtain legal advice before taking any legal action.

## 4.0 Definition of racial harassment

BHP has adopted the following definitions from the Macpherson Inquiry:

#### **Racist Incident:**

"A racist incident is any incident that is perceived to be racist by the victim or any other person".

In adopting a victim-centred approach to reports of racial harassment, BHP will ensure that any alleged racial motivation is investigated urgently and that support is offered to any individual who is genuinely under threat. After full investigation, it may be determined that the harassment is not racially motivated and the incident will be recorded appropriately. To assess the effectiveness of this approach, monitoring information will be kept on the number of racial incidents reported, the number that were agreed as racial incidents following investigation, and details of further action taken in relation to racial incidents.

#### **Institutional Racism:**

"The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people".

## 5.0 Policy statement

BHP values racial equality and social justice and absolutely condemns all forms of racial harassment and intimidation. BHP recognises the effects of racial harassment on the victim's quality of life and will make use of the available resources to eliminate all forms of racial harassment. BHP will deal with racial harassment seriously and as a priority, endeavour to ensure tenants are not subjected to racial harassment and work towards developing the confidence of all sections of the community.

## 6.0 Overall objectives

In implementing the above policy, BHP's overall objectives are to;

- ensure that racist incidents are reported, accurately recorded and monitored
- take appropriate legal action against perpetrators
- prevent further racial harassment and ensure that actual or potential perpetrators are aware of the consequences of racial harassment
- take a victim centred approach when dealing with cases of racial harassment
- encourage a multi-agency approach to casework
- ensure that victims and witnesses are;
  - Believed and taken seriously
  - Dealt with sympathetically
  - Supported and advised appropriately
  - Kept informed
  - Helped to find an effective solution to stop the racial harassment
  - Empowered

## 7.0 Responsibilities

### 7.1 Board member's responsibilities

All board members are responsible for ensuring that the policy is implemented thoroughly. Board members will receive reports and monitoring data for racial harassment at regular intervals, and feedback from officers about the effectiveness of the policy to aid board members with policy reviews. Board members will be involved in public meetings in BHP areas experiencing high levels of racial harassment to help reassure residents of BHP's commitment to taking Racial Harassment seriously and to give witnesses the confidence to come forward.

### 7.2 Staff responsibilities

Unit heads must ensure that all staff are aware of the policy and procedure to deal with cases of racial harassment. The Director of Housing Management is responsible for identifying lead officers whose responsibility it is to deal with matters with regards to racial harassment. Investigating officers will be expected to respond to cases of racial harassment within target times specified in the procedure. This will require appropriate prioritisation and monitoring of casework and staffing levels.

### 7.3 Contractors' responsibilities

All contractors, including sub-contractors of BHP are obliged as part of their contracts, to comply with BHP policy regarding Racial Harassment.

## **8.0 Implementation**

### **8.1 Encouraging reporting**

BHP will implement the Home Office code of practice on the reporting and recording of racist incidents. It will also help develop and participate in local networks of third party reporting centres, using common reporting forms and contributing to a central database of incidents.

BHP has signed up to Brent Council's information sharing protocol, which was developed and implemented by Brent Crime and Prevention Strategy Group (CPSG). The protocol deals with the sharing of information between relevant local agencies in relation to incidents and perpetrators thus keeping abreast of racial harassment in the borough.

Targets will also be set to increase the number of incidents reported and performance indicators will be set for dealing effectively with racial harassment.

BHP will use police and community organisations to train staff in recording incidents. There will be a regular collation of these reports and these figures will be passed on to the BHP Board, BHP Service Delivery Sub-Committee and the Brent Anti-Social Behaviour Action Group at least every six months.

### **8.2 Action against perpetrators**

BHP will consider the use of the full range of civil legal remedies against perpetrators, including injunctions, Anti-Social Behaviour Orders (ASBOs), Acceptable Behaviour Contracts (ABCs) parenting orders and child curfew orders, as well as possession proceedings. Furthermore, BHP will work closely with the police, where other criminal acts regarding racial harassment are taking place outside the remit of housing related legal remedies. BHP will train staff so that there is awareness of the potential for criminal action in cases, which involve racially, aggravated offences, intentional racial harassment or racial hatred.

### **8.3 Prevention and publicity**

BHP will widely publicise, in appropriate community languages its policy and procedure and will work with resident associations to ensure that they play a part in prevention and reporting of racial harassment. BHP will also publicise and produce support packs for victims in order to increase their confidence to report racial incidents. In addition we will work with local agencies to map incidents and detect trends and "hotspots" in racist activity. Where necessary BHP will increase security measures, in order to protect vulnerable tenants in their homes.

BHP will work with the police and other local agencies providing outreach work with schools and youth groups. BHP intends to actively work on initiatives that foster community spirits and will encourage tenants to provide support for one another empowering them to deal with racial harassment.

### **8.4 Training**

All officers, board members and appropriate contractors must attend training sessions and familiarise themselves with BHP's racial harassment policy. BHP will train staff to respond sensitively to victims of racial harassment and identify the needs of victims or witnesses, so they can provide a responsive and effective service. BHP will ensure that staff are aware of the implications of the Human Rights Act 1998, when dealing with cases of racial harassment. BHP will further support frontline staff emotionally and practically when dealing with such cases e.g. counselling being made available to staff.

### **8.5 Multi-agency approach**

BHP will adopt a multi-agency approach and will work in partnership with Brent Council, the police and other relevant bodies to tackle racial harassment in Brent. Additionally, staff will adopt collective and individual responsibility to deal with cases of racial harassment. BHP has joined and will actively participate in the local casework multi-agency forum, the Brent Anti-Social Behaviour Action Group (BASBAG) for tackling cases of racial harassment. BHP will also participate in the ASB Steering Group, a multi-agency forum that addresses strategic issues and partnership work on racial harassment.

For racial harassment incidents, a lead agency will be agreed, whose role will be to co-ordinate the case, to ensure the BASBAG is updated regularly with the progress of the case, to ensure that there is no conflicting information and to avoid duplication. The lead agency will also be responsible for ensuring the victim is consulted at all stages of the case.

All BHP front line staff will be made aware of local agencies and services that can support victims of racial harassment.

BHP will sign a joint protocol with RSLs in the borough for a collective response to racial harassment, endorsing our joint commitment in dealing with such cases. The protocol will also set out a framework to launch a common platform from which to tackle Racial Harassment incidents within the Borough of Brent.

### **8.6 Supporting victims and witnesses**

BHP will aim to provide adequate practical and emotional support to both victims and witnesses of racial harassment by working closely with relevant agencies, e.g. by arranging access to telephone and/or face to face interpreters in the appropriate community language. BHP welcomes the use of advocates by victims of racial harassment. In the event of any counter allegations of racial harassment, investigations should be undertaken by two separate housing officers.

BHP will take in to account previous history of racial harassment of potential tenants and will work in conjunction with the Council's Housing Resource Centre to identify potential problems. Prospective tenants will be informed of previous harassment in the area, and will be offered a package of support if they decide to accept the offer of housing.

Applications for a transfer on the grounds of racial harassment will be considered fairly and sympathetically where it is not possible to resolve the problem. While the client remains in a Council tenancy other housing options will be pursued in collaboration with Brent Council's Housing Resource Centre to help give some choices to the victim, e.g. use of temporary accommodation.

### **9.0 Monitoring and review of the policy**

BHP will establish systems to monitor all racial harassment cases, including a record of incidents from the beginning to the conclusion of the case, and to audit casework. Where possible, the monitoring system will be co-ordinated with other agencies.

The views of users, staff and external agencies will be sought through periodic review of the policy and procedures and regular assessment of the level of satisfaction with our service on the part of victims. Board members will lead the next major review of the policy in two years time.

Provision will be made to amend the BHP policy in to take account of any legislative changes and/or policy changes nationally.