



# Racial Harassment Policy

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# **RACIAL HARRASSMENT POLICY**

Ardenglen Housing Association can provide this policy on request, in large print, in Braille, on tape or in other non-written format, and in a variety of languages.

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## **SECTION 1**

### **INTRODUCTION & POLICY STATEMENT**

- 1.1 Ardenglen is a community based Housing Association operating in Castlemilk, which is in South West Glasgow. At the time of writing we own approximately 961 properties. Of these, 585 are rehabilitated tenemental stock, while the remaining are new build houses, cottage flats and tenements.
- 1.2 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. Therefore, 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.
- 1.3 The association operates a policy of 'Zero Tolerance' towards racial harassment. It will act to prevent such behaviour where possible and have systems in place for early intervention where necessary.
- 1.4 The association recognises that that all tenants, regardless of their racial group, may experience neighbour disputes, anti social behaviour or vandalism. However, we also recognise that racial harassment can be far more insidious based as it is on assumptions and stereotypes prejudice and hate.
- 1.5 This policy has links to our policies on equal opportunities, allocations, complaints, estate management and tenant participation. The association has a separate policy on dealing with neighbour disputes.

## **SECTION 2**

### **AIMS & OBJECTIVES**

- 2.1 To ensure that all incidents of racial harassment are identified and dealt with promptly
- 2.2 To encourage the reporting of incidents to the Police or through Ardenglen as a third party reporting centre for Hate Crime
- 2.3 The needs of the victim are given the highest priority including the use of other agencies for the provision of counselling, support and advocacy
- 2.4 To deal vigorously with racial attacks and harassment and work in partnership with other agencies to create an environment which encourages racial harmony
- 2.5 To provide definitions of what is meant by racial harassment and all related terms
- 2.5 To enforce this policy in a way which is non discriminatory and promotes equality of opportunity to those making a complaint or against whom the complaint is made
- 2.6 To take action against the perpetrators of harassment by whatever means required including prosecution and eviction

- 2.6 To regularly monitor incidents of racial harassment, record follow up measures and review the effectiveness of our procedures
- 2.7 To seek feedback from tenants individually and collectively to learn from our experience of handling cases and publicise our commitment to and arrangements for combating all harassment

### **SECTION 3**

#### **DEFINITION**

##### 3.1 Racial Harassment

For the purposes of this policy, the association assumes the definition of a racist incident to be in line with the Stephen Lawrence Inquiry (1999) which states

**“A racist incident is any incident which is perceived to be racist by the victim or any other person”**

The inquiry recommended that the term ‘racist incident’ must be understood to include crimes and non crimes in policing terms. The Lawrence definition is accepted by the Scottish Executive, The Housing Regulator, COSLA, CIH Scotland and the Scottish Federation of Housing Associations along with other public authorities, the police and the criminal justice system more generally.

**Racial Harassment:** “Is an act designed to intimidate, humiliate, ridicule or undermine the confidence of a person by reason of a person’s race, colour, nationality, ethnic or national origins, religion or belief. It can include:

**Racism:** Racism in general terms consists of conduct or words or practices which disadvantage or advantage people because of their colour, culture or ethnic origin. In its more subtle form it is more damaging as in its overt form

**Institutional Racism:** The collective failure of an organization 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 behavior which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people”.

### **SECTION 4**

#### **FORMS OF RACIAL HARASSMENT**

- 4.1 There are different forms of racial harassment and abuse; this may either be criminal or non criminal depending on the severity of the incident. Whilst this list is not exhaustive it indicates the range of unacceptable behaviour.
- Physical attacks
  - Threats of violence
  - Racist graffiti

- Damage to property
- Nuisance incidents such as noise or door knocking
- Written or verbal abuse
- Offensive or dangerous material through a letterbox
- Behaviour such as wearing racist badges or insignia

## **SECTION 5**

### **LEGISLATION**

5.1 Any legal action taken by the association in respect of racial harassment will be based upon the following legislation;

- Housing (Scotland) Act 2001
- The Equality Act 2010
- The Human Rights Act 1998
- Race Relations (Amendment) Act 2000
- Crime and Disorder Act 1998
- Anti social Behaviour etc. (Scotland) Act 2004
- Protection from Harassment Act 1997
- Criminal Justice and Public Order Act 1994

5.2 The association will also have regard to section 3.3 of the Scottish Secure Tenancy Agreement which states;

**“Tenants, those living with you and your visitors must not harass or assault any person in the house or neighbourhood, for any reason. This includes race, colour or ethnic origin, nationality, gender, sexuality, disability, age, religion or other belief, or other status”**

## **SECTION 6**

### **VICTIM CENTRED APPROACH**

6.1 The association will ensure a victim centred approach. Where the victim believes that the harassment is racially motivated, the investigation will begin from that premise and explore all avenues to substantiate this belief. After a thorough investigation of an incident, it may be clear that the harassment is not racially motivated. But using a victim centred approach ensures that any racial motivation is fully considered while the incident is investigated.

- 6.2 We will always act in a way that is sympathetic and sensitive to the victims' needs and their interests will be at the centre of any investigation. The association will have regard to the personal safety of victims and will provide them with informed choices in order that they can make decisions
- 6.3 We will never proceed with a course of action that is against the victims' wishes. We will seek agreement before taking any action or involving other agencies. Confidentiality will always be protected unless otherwise agreed

## **SECTION 7**

### **INVESTIGATION**

- 7.1 Complaints of racial harassment may be made by the victim, a witness, a friend, family member or other 3<sup>rd</sup> party. We will investigate complaints received in person by letter or phone
- 7.2 We will aim to investigate reports of racial harassment either on the day the report is made or else the next working day
- 7.3 If the victim prefers to speak in their first language we will arrange a qualified interpreter to assist in the interview. Similarly, a female member of staff will be made available if requested.

## **SECTION 8**

### **PROPERTY REPAIRS**

- 8.1 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
- 8.2 Where perpetrators have been identified and are an Ardenglen tenant we will charge the cost of any repairs to them

## **SECTION 9**

### **REHOUSING OF VICTIMS**

- 9.1 If possible we will offer emergency rehousing where there is serious damage to the property or serious injury (or threat of injury) to the tenants or members of the tenants household
- 9.2 If we have no suitable accommodation available, we will liaise with other housing providers in an attempt to secure accommodation. We will also offer advice on how to present as homeless
- 9.3 We recognise that victims of harassment may wish to move from the area where problems are being experienced. We will deal with each case sensitively and on its merits based on all the evidence that it is possible to gather

## **SECTION 10**

### **CHALLENGING RACIAL HARRASSMENT**

- 10.1 Role of association – We will publish our racial harassment policy on our website and advertise ourselves as being a third party reporting centre. We will be proactive in working to prevent the racial harassment of our tenants in conjunction with other organisations. We will ensure the victim is kept fully informed of the course of the investigation and the choices available, always involving them in the decision making process
- 10.2 Role of our contractors – We will ensure the contractors we employ adopt acceptable policies covering equal opportunities
- 10.3 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
- 10.4 Role of other agencies – We will work with other agencies, including the police and community support agencies 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

## **SECTION 11**

### **TRAINING, REPORTING, MONITORING, CONSULTATION & REVIEW**

- 11.1 We will make all our employees and Board members aware of the policy. We will provide all employees with ongoing support and guidance along with training in the actions they should take in cases of racial harassment.
- 11.4 The Board will have the delegated authority to make decisions on;  
  
Whether to enforce an eviction decree
- 11.5 This policy will be reviewed as required, but at least on a three year cycle. The review will take account of legislative changes, new policy guidance, best practice advice and the views of tenants and other users.
- 11.6 This policy will be provided to every employee and Board member and will be made freely available to any tenant or interested party.

**--- END OF POLICY ---**