

RACIAL HARASSMENT POLICY

1. GENERAL POLICY STATEMENT

1.1 Ladybur Housing Co-operative Limited (“the Co-operative”) rejects and condemns any form of racial harassment and will investigate all reported incidents. Incidents of racial harassment may be verbal or physical and include 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 motive. In relation to a tenant, or member of their household, this includes any action which interferes with the peace and comfort, or the services reasonably required for the enjoyment of their right to occupy The Co-operative's property.

1.2 It is a disciplinary offence for any person employed by Ladybur Housing Co-operative to harass racially any tenant, applicant for housing, or visitor to an estate or an officer of the Co-operative. Disciplinary action, which could include dismissal, will be taken against any member of staff who, after a proper investigation, has been found to be involved in racial harassment. The Co-operative will require any contractor or consultant it employs to take the same action against any of its employees who are found, whilst working on Co-operative property, or acting on behalf of the Co-operative, to have racially harassed another person.

1.3 The Conditions of Tenancy of the Co-operative now include racial harassment as a serious breach of these conditions. If the Co-operative satisfies itself that racial harassment has been conducted by a tenant, or a member of a tenant's household against another tenant of a member of their household, or against a prospective tenant, estate visitor or Co-operative's staff, then action will be taken against the tenant which could result in eviction.

2. WHAT CONSTITUTES RACIAL HARASSMENT

2.1 The range of activities, which constitute racial harassment for the purposes of relations between tenants in social housing, include the following:-

- a) Unprovoked assaults including common assault, actual bodily harm and grievous bodily harm.
- b) Danger to property, including breaking windows, doors, and fences within the curtilage of the dwelling concerned.
- c) The writing or affixing of slogans and/or graffiti of a racial nature within, or in the proximity of the curtilage of the dwelling concerned.
- d) Arson or attempted arson.

- e) The insertion of rags, paper rubbish and/or any material which can be and/or has been set alight through openings in, or within the curtilage of the dwelling concerned.
- f) The placing of excrement, eggs, paint, rubbish and/or other noxious and/or offensive substances on any exterior part of the dwelling concerned, or within its curtilage.
- g) The insertion of excrement, eggs, paint, rubbish, and/or offensive substances through an opening in the dwelling concerned or within their curtilage.
- h) The sending of threatening and/or abusive correspondence of a racial nature.
- i) The making or threatening and/or abusive telephone calls of a racial nature.
- j) Oral racial abuse.
- k) Demanding money accompanied by oral racial abuse.
- l) Repeated vandalism of a conveyance belonging to the person concerned or any member of his/her household.
- m) Threatening and/or abusive behaviour including spitting.
- n) Participation in any activity which is calculated to deter the person from occupying a particular dwelling.

The above is not an exhaustive list.

3. LEGAL POSITION

3.1 This section summarises the present legal position but is necessarily very brief.

3.2 The responsibility for initiating criminal action lies with the police and once prosecution has begun, it is then taken over by the Crown Prosecution Service. Therefore, allegations of using racially abusive language, physical assault or threat of assault and danger to property are criminal offences and must be reported to the police so that they take action under the appropriate laws.

3.3 Any pressure to discriminate is unlawful by virtue of Section 31 of the Race Relations Act 1976 and an example of this situation would be the receipt of a petition from a group of tenants, stating that they object to the allocation of a property on their estate to a black person. Normally it would be the Commission for Racial Equality who would have the power to bring proceedings in respect of a contravention of this section.

3.4 Possession action can be taken under the Housing Act 1985 (Schedule II) where a tenant causes nuisance or annoyance to neighbours, has been convicted of or, allows the dwelling to be used for illegal immoral purposes (Ground II) or an obligation of the Tenancy Agreement has been broken or not performed (Ground I). Generally speaking, this is the action that would be taken by the Co-operative against its own tenants.

4. ACTION TAKEN UPON RECEIPT OF A COMPLAINT.

- 4.1** This section relates to estate management and does not necessarily apply to employment matters.
- 4.2** Tenants should report all instances to the Estate Office. A 'victim orientated' approach will be taken - the health, safety and welfare of the victim comes first.
- 4.3** All reported incidents of racial harassment will be investigated jointly by the Estate Manager, in conjunction with the Secretary or an officer of the Co-operative. The Estate Manager will produce a detailed report that must include:-
- (i)** the victim's consent to contact any other agency or a doctor/hospital in cases of physical injury.
 - (ii)** details of any previous incidents, including to whom, if any one, they reported it.
 - (iii)** language difficulties and the need for interpreters.
 - (iv)** a record "word for word" what was said during the incident.
 - (v)** if the perpetrators were not known, a clear description.
 - (vi)** the number and name of any police in attendance.
 - (vii)** the ethnic origin as stated by the victim not as assessed by the Estate Manager.
 - (viii)** a plan of action.
- 4.4** Reported incidents of racial harassment are to be investigated with the minimum of delay. Incidents involving violence are to be investigated within 24 hours and so are damaged property, including graffiti. Other forms of harassment are to be investigated within three working days.
- 4.5** Where it is judged by the Estate Manager that there is racial harassment, and with the victim's consent, the police should be informed, in writing, by the Estate Manager. This should occur within a maximum of five working days after the visit. The police should be requested to act and, if there is no reply within ten working days, the request should be followed up by the Estate Manager.
- 4.6** Again, where it is judged by the Estate Manager that there is racial harassment, positive steps should be taken to trace the suspected perpetrators unless specifically requested not to do so by the victim(s). This action must be taken within five working days of the visit to the victim's household.

4.7 Support systems will be discussed with and mobilised for each victim. This may involve friends, relations, other tenants, and the Management Committee. If support is not available from these usual sources, the use of local community relations including the local authority should be utilised including the recommendation of any victims' support group. It is essential that support continues throughout the whole process, especially if action is to be taken by the police or proceedings are to be instigated by the Co-operative, because this may take many months. In very serious cases, it may be necessary to seek a court injunction to prevent further harassment. It is the responsibility of the Estate Manager to ensure that this support continues.

6. REPAIRS AND GRAFFITI

6.1 Repairs arising from racial harassment will be dealt with as an emergency. The maximum response time will be 24 hours.

6.2 Racist graffiti will be removed or obliterated within two working days of it being seen or reported. If it cannot be dealt with by estate staff, a Specialist Contractor will carry out this work within the above timescale.

7. INTERPRETERS

7.1 If there are language difficulties, interpreters can be obtained.

8. STAFF

8.1 All staff at every level within the Co-operative are expected to always behave in a proper and fair manner in their dealings with other staff, tenants and the wider public.

8.2 Any breach of Co-operative Policy or allegations of misconduct by staff may result in the Disciplinary Procedure being invoked.

9. MONITORING

9.1 Monitoring and review forms are an essential part of the process of implementation and further development of racial violence and harassment policy. The Estate Manager will report on all cases notified and investigated by the Co-operative, indicating the action taken, the outcome of the case, and reviewing the effectiveness of the policies, particularly in relation to prevention, support to victims and dealing with perpetrators, together with any recommendations for changes.

10. DOCUMENTATION

10.1 It is essential that all steps in racial harassment procedures are well documented so that good quality evidence is available should the issue go to court. It is, therefore, important that the victim(s) and witnesses are advised to make their own notes of what happened immediately following the incident. It is equally important that the Estate Manager has a full set of documents and that they are kept in a safe place so that there will be no difficulty in producing evidence should the matter go to court.

The main point is that urgent and swift action must be taken to contain the situation, to deal with the perpetrators and to give support, advice and help to the victim(s).