

Racial Harassment Policy

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The current version of this procedure is available on the SHG Intranet site

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			25/06/2009		SCP Board

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1. Purpose

This policy applies to Signpost Housing Association and Signpost Care Partnerships' (the Associations) properties and any accommodation directly managed by the Associations and applies to incidents of racial harassment caused by, or inflicted upon, any person residing in the Associations' property, or any person visiting the associations' property.

This policy has been developed to ensure the Associations comply with current legislation, Tenant Services Authority Standards and Housing Corporation guidance and good practice, and ensures the Associations, and their staff, are fully committed to working proactively to prevent and effectively deal with incidents of racist behaviour. Racist behaviour includes:

- racial harassment
- race hate crime
- religious hate crime
- incitement to racial hatred.

The Associations will ensure that where a member of staff becomes aware of a significant issue which could be considered to be criminal then this issue will be referred to the Police.

The Associations strive to achieve the Spectrum Group mission:

'To be recognised and respected for providing quality homes and services. Empowering people, supporting active communities and building better futures'.

This policy supports the Associations' overarching plans and strategies to deliver quality services and ensures accessibility to these services for all the Associations' customers.

2. Definitions

2.1 Racial harassment

The Associations will adopt the definition of racial harassment as identified in the Stephen Lawrence enquiry (1999) which states:

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

- A person harasses another on the grounds of race or ethnic or national origins when he or she engages in unwanted conduct that has the purpose or effect of:

Violating the other person's dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person'.

Racial harassment is not restricted to violence or verbal abuse alone. The term covers behaviour, which may be verbal, non-verbal or physical. It is behaviour that the recipient may find offensive and/or affects the dignity of the recipient. Examples are given below:

Verbal

- telling racist stories or jokes
- making gratuitous comments about a person's dress or appearance
- verbal abuse or threats
- derogatory remarks and name-calling or insults.

Non-Verbal

- deliberate exclusion of an individual on racial grounds
- displaying or circulating material, including racist graffiti, which may be offensive to, or incite violence towards any group.

Physical

- physical assault
- damage to personal property
- intimidating or threatening behaviour
- criminal action, including racial violence or attack.

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2.2 Incitement to racial hatred

Incitement to racial hatred was established as an offence by the provisions of Sections 17-29 of the Public Order Act 1986. It was first established as a criminal offence in the by the Race Relations Act 1976. The Criminal Justice and Public Order Act 1994 made publication of material that incited racial hatred an arrestable offence.

This offence refers to:

- deliberately provoking hatred of racial group
- distributing racist material to the public
- making inflammatory public speeches
- creating racist websites on the internet
- inciting inflammatory rumours about an individual or an ethnic group, for the purpose of spreading racial discontent.

2.3 Racial hate crime

Race hate crime is not just when someone becomes a victim because of the colour of their skin. It also includes nationality, culture and language. Any race hate crime that is reported to the police is treated seriously, even if it could be classed as a minor incident, because of the fear that race hate crime can create within communities.

3. Legislation, Regulatory and Good Practice Requirements

This policy complies with and aims to support:

- Anti-social Behaviour Act 2003
- Chartered Institute of Housing, Good Practice Brief : Equality, Diversity and Good Relations in Housing (April 09)
- Crime and Disorder Act 1998
- Criminal Justice and Public Order Act 1994
- Data Protection Act 1998
- Housing Act 1998 (as amended by the Housing Act 2002)

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- Housing Corporation Good Practice Note 8 Equality & Diversity
- Housing Corporation Regulatory Code and Guidance
- Human Rights Act 1998
- Key Lines of Enquiry: Diversity and Tenancy and estate management (2007)
- Protection from Harassment Act 1997
- Public Order Act 1986
- Race Equality Code of Practice for Housing Associations (Commission for Race Equality)
- Race Relations Act 1976
- Racial and Religious Hatred Act 2006
- Statutory Code of Practice 2006 (Commission for Race Equality)
- Supporting People Quality Assessment Framework.

4. Relationship with other Strategies, Policies and Procedures

This policy should be read in conjunction with the following Spectrum Housing Group (SHG), Signpost Housing Association (SHA) and Signpost Care Partnership (SCP) policies and procedures:

- Access and Customer Care Strategy (SHA/SCP)
- Appeals Procedure (SHA/SCP)
- Anti-social Behaviour Policy and Procedure (SHA/SCP)
- Allocations and Lettings Policy (SHA/SCP)
- Community Involvement Strategy (SHA/SCP)
- Confidentiality, Privacy and Data Protection Policy (SHG)
- Estate Management and Neighbourhood Policy and Procedure (SHA/SCP)
- Equality, Diversity and Inclusion Policy (SHG)

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- Homelessness Policy (SHA/SCP)
- Race Equality Action Plan (SHA/SCP)
- Repairs Policy (SHA/SCP)
- Value for Money Strategy (SHA/SCP)

5. Racial Harassment Policy

The Associations are committed to taking a pro-active approach in managing and minimising racist incidents by:

- developing an organisational commitment to race equality and ensuring staff are appropriately trained to deal with racist incidents and that racist behaviour or attitudes are not tolerated
- ensuring new residents are fully aware of their obligations and the Associations' commitment to dealing with racist behaviour before they move into their new home
- undertaking comprehensive risk and support planning prior to, and during the tenancy, to achieve tenancy sustainability
- taking prompt action where there is a breach of the tenancy or lease agreement in relation to racist incidents in accordance with the racial harassment procedure
- using publicity in the residents newsletter, 'Your Voice', or other appropriate methods such as local papers to raise race equality awareness and to provide information about specialist agencies such as the Race Equality Council and Victim Support and to encourage the reporting of racist incidents
- working with communities, and partner agencies, to develop positive relationships and foster good relationships between different ethnic groups to positively promote diversity and reduce the potential for racist incidents
- ensuring appropriate support is identified, including specific communication needs by working in partnership with other agencies, and that where appropriate this support is on-going. The Associations will take a victim centered approach and will work with specialist organisations to ensure appropriate support is available
- where a transfer to alternative accommodation is appropriate due to the seriousness of the situation this will be supported in liaison with the

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appropriate local authority

- working closely with other agencies, being part of formal information sharing protocols, and other relevant protocols, to prevent, address and manage any type of racist behaviour
- removing racist graffiti within 24 hours
- ensuring any trends are identified, actions are monitored, and corrective action is taken by recording all reports of racist incidents on the anti-social behaviour performance management system (REACT) in accordance with the racial harassment procedure
- using the full range of legal and other remedies which are available to prevent future racist behaviour including: mediation, injunctions, demotion of tenancy, Anti-social Behaviour Orders and possession
- responding to reports of racist behaviour in accordance with agreed service standards.

5.1 Training

The Associations will ensure staff have ongoing training with regard to the range of remedies and services that are available and how to use them, as well as an understanding of the cost and the limitations of invoking those remedies. It is the aim that all relevant staff will be trained to take the most appropriate and effective action in all circumstances. The training will include:

- where appropriate, detailed training of the current racial harassment policy and related procedures is undertaken as part of the planned induction programme for new staff
- training staff who may initially receive reports of potential racial harassment to understand the requirements of the racial harassment policy and procedure
- ensuring best practice, new legislation and case law is disseminated to relevant staff and is communicated effectively by either service area team meetings, Operational Management Team briefings, legal briefings or the internal intranet
- identifying on-going training needs and arranging appropriate training, as required, for staff, residents and Board members.

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5.2 The Right to Appeal

Any appeal against the decision to take action, or otherwise, against a perpetrator of racial harassment will be dealt with in accordance with the Associations' Appeals Procedure.

5.3 Monitoring and Control

Incidents of racial harassment will be monitored and reported to the Associations Boards as part of the Performance Information pack.

A review of actions taken and their effectiveness will be linked to the annual Impact Assessment of the Spectrum Housing Group Equality, Diversity and Inclusion Policy

5.4 Equality, Diversity and Inclusion

This policy has been developed to ensure the Associations provide equality of access and service delivery and includes:

- ensuring that no customer is disadvantaged irrespective of their race, gender (including gender reassignment), religion or belief, colour, ethnic or national origin, sexual orientation, marital status, age, disability, or social position in accordance with Spectrum Housing Group Equality, Diversity and Inclusion Policy
- ensuring specific communication or support requirements and equal access to the service is available
- identifying and addressing any inequality of access to the service
- recording and monitoring incidents of racial harassment and the actions taken to ensure no individual or group is excluded.

5.5 Equality Impact Assessment

This policy has had an equality impact assessment that has concluded that this policy does not discriminate either directly or indirectly and does not disadvantage any individual or group.

5.6 Responsible Officers

The Divisional Director Housing Services, Signpost Housing Association, and the Divisional Director Support Services, Signpost Care Partnerships will be responsible for monitoring and implementing this policy.

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