

Racial Harassment Policy

Introduction

The purpose of this policy is to clearly define our commitment to the rights of all residents to live in safety and security within their own homes and neighbourhood, regardless of their racial or ethnic group.

It also seeks to lay out a timely and supportive multi agency response to any incidents of racial harassment within Southend Borough Council's housing stock, and underlines our determination to use every available legal action against perpetrators of such incidents.

Policy

It is the policy of South Essex Homes to support people who make complaints of Racial Harassment. If a claim is substantiated we will take firm action against the perpetrators to eliminate such crimes within its communities. We have emphasised our position relating to Racist Incidents in the conditions of tenancy and residents guide as well as the use of introductory and demoted tenancies. These statements highlight our position that such behaviour is not tolerated.

We recognise that racial harassment can take place in any institution or environment, regardless of the number of people from different backgrounds present.

People who make complaints of racial harassment are particularly vulnerable and need support. We will work closely with and where appropriate put people who complain, in touch with the local authority, Police, South East Essex Hate Crime Panel, victim support and other support groups when dealing with racist Incident cases.

In dealing with racial harassment the interests of the victim are paramount and they must be treated courteously, sensitively and respectfully at all times.

Whilst the approach and procedure for dealing with such problems is identical to all other breaches of tenancy it must be noted that racist Incidents may also lead to criminal prosecution. It is therefore important to liaise with the police in all instances of racist incidents.

In general terms, our response to Racist Incidents are as follows:-

- Take initial action within 1 working day of receiving the complaint
- Adopt a victim centred approach
- Respond sensitively to the victim
- Interview the victim and alleged perpetrator where known and make a detailed assessment of the case
- Inform and liaise with other agencies as appropriate, having secured the victims consent where necessary

- With the victims consent consult with the police on the potential for criminal action under the Protection from Harassment Act 1996
- With the victims consent inform third parties of the incident and build a case against the perpetrator
- Where appropriate initiate legal action for breach of conditions of tenancy
- Where appropriate seek other legal remedies on behalf of the victim
- Provide continuous support for the victim after the incident
- Where the victim feels able to remain in their home, subject to additional security measures, (works can be carried out under the Sanctuary Scheme) these will be arranged on an emergency basis
- Where damage has been done or graffiti has been daubed and the victim is to remain in the property these matters will be attended to urgently. In the case of racist graffiti, it will be removed within 1 working day of the report being received regardless of whether the victim remains in the property or not
- Keep comprehensive notes and records of the case and contacts with the victim, witnesses and perpetrators
- Consider re-housing the victim where this is appropriate
- Adopt high standards of confidentiality when dealing with victims
- Conduct a prompt and thorough investigation into all alleged cases
- Always take action against the perpetrator where evidence is available and could result in eviction if allegations are proven.

Definition of Racial Harassment

'A racist incident is any incident which is perceived to be racist by the victim or any other person'
(Macpherson 1999)

For the purpose of this policy the definition of race and ethnicity is the standard definition adopted by the Commission of Racial Equality and the England and Wales Census Question 2001.

Racial harassment refers to a range of criminal and offensive behaviour motivated by hostility towards someone because of his or her ethnicity, appearance, "race" or national origin. It includes not only physical assaults, but verbal abuse, threats, or insults, damage to buildings and property.

Examples of Racial Harassment

Harassment can take many forms. The following list is illustrative but not exhaustive

- Threats to the person
- Unprovoked physical assaults
- Threatening or abusive letters and telephone calls
- Verbal abuse, including name calling and swearing
- Repeated and unfounded or trivial complaints against a resident or group of residents
- Threatening or abusive behaviour e.g. spitting
- Failure to control dogs

Damage to the home

- Vandalism to property
- Graffiti
- Arson or attempted arson, including pushing litter or inflammable material through doors or windows
- Flooding out properties intentionally
- Activities intended to deter a person from occupying a particular dwelling

Harassment outside the home

- Placing excrement or rubbish in or near homes
- Placing offensive items near homes
- Damage to property used by a particular group including meeting places or community centres
- Vandalism of vehicles
- Attacks on shops or businesses
- Graffiti

Legal Implications see ASB Policy

Guiding principals

Stephen Lawrence Inquiry/Macpherson Report
Crime, Disorder and Drugs Strategy 2005-08
Agenda 21

Conditions of Tenancy

South Essex Homes ASB Procedures

South Essex Homes Equality Strategy and Statement

Home Office Guidance on reporting of Racial Incidents

CRE, Code of Practice in Rented Housing

ODPM/Housing Corporate, Tackling Racial Harassment: Code of Practice for Social Landlords

Review and monitoring

- We will consult annually with local strategic partners, community representatives and other stakeholders to continually develop good practice in this policy area
- A quarterly report will be provided to the Equality and Diversity Leadership Group of South Essex Homes giving details of:
- The number of incidents of racial harassment broken down by type and area
- The action in each case
- Data will also be provided to South East Essex Hate Crime Panel to allow it to monitor and act upon information received.

Bengali

যদি আপনার মাতৃভাষায় এই ডকুমেন্টটির একটি কপি পেতে চান অথবা যদি আপনি আমাদের সাথে যোগাযোগ করতে চান তাহলে অনুগ্রহ করে নিচের নম্বরে ফোন করুন। আমাদের টেলিফোন অনুবাদক আছেন যারা আপনার প্রশ্নের উত্তর দিতে পারবেন।

Albanian

Nëse dëshironi një kopje të këtij dokumenti në gjuhën tuaj ose nëse dëshironi të na kontaktoni, ju lutemi telefononi në numrin e mëposhtëm. Ne kemi përkthyes nëpërmjet telefonit të cilët mund t'iu përgjigjen pyetjeve tuaja.

Gujarati

જો તમારે આ દસ્તાવેજની નકલ તમારી પહેલી ભાષામાં જોઈતી હોય, અથવા જો તમારે અમારો સંપર્ક સાધવો હોય, તો નીચે આપેલ નંબર ઉપર કોલ કરો. અમારી પાસે અનુવાદકો છે, જે તમારા પ્રશ્નોના જવાબ ફોન ઉપર આપી શકે છે.

Cantonese

如果你想要一份中文譯本，請撥打以下號碼與我們聯絡。我們有翻譯人員透過電話來解答你的提問。

French

Si vous souhaitez obtenir une copie de ce document dans votre langue maternelle ou si vous souhaitez nous contacter, veuillez téléphoner au numéro indiqué ci-dessous. Nous avons des traducteurs qui peuvent répondre au téléphone à vos questions.



0800 833 160

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Write to us at; South Essex Homes, Cheviot House, PO BOX 5817, Southend on Sea, SS1 9EL

Phone : 0800 833 160

Email: customerservices@seh.southend.gov.uk

Visit: www.southessexhomes.co.uk