



# Racial Harassment Policy

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## 1. Introduction

ng homes is concerned about the existence of racial harassment and the profoundly disturbing effect that it has for both the victim and the community.

The aim of this policy is to ensure that all incidents of racial harassment are identified and dealt with promptly.

The needs of the victim will be given the highest priority including the use of other agencies for the provision of counselling, support and advocacy.

We will offer re-housing where there is damage to the property or injury to the tenant or members of the tenants' household. We recognise that victims of harassment may wish to move from the property/area where problems are being experienced. We will deal with each case sensitively and on its merits based on the evidence we are able to gather. We are also aware that victims of harassment may not wish to move, in which case we will offer the necessary support, and will endeavour to ensure that the racial incidents do not reoccur by taking the appropriate action against the perpetrators.

We will offer support to employees who are the victims of racial harassment in the workplace. Where the alleged perpetrator is an ng group staff member, we will initiate and follow our disciplinary procedures.

## 2. Racial Harassment and Discrimination: Definitions and Examples

(quotes are from the Stephen Lawrence Inquiry – Macpherson Report, 23 March, 1999)

**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 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".

### **Racist Incidents:**

"A racist incident is any incident, which is perceived to be racist or racial harassment by the victim, or any other person".

The Stephen Lawrence Inquiry Report recommended that the term 'racist incident' must be understood to include crimes and non-crimes in policing terms, and that this definition be adopted by the Police, local authorities and other relevant agencies.

The Lawrence definition is accepted by the Scottish Government, The Scottish Housing Regulator, COSLA, CIH Scotland and the Scottish Federation of Housing Associations along with other public authorities, Police Scotland and the criminal justice system in general.

### **Racially aggravated offence is when:**

“The offence is wholly or partly motivated by hostility towards members of a racial group based on their membership of the racial group or at the time of, or immediately before or after, committing the offence, the offender demonstrates toward the victim hostility based on the victim’s membership of a racial group” (Crime and Disorder Act 1998)\*

\*The above Act is a criminal law and therefore makes the above behaviours criminal offences. The police and Crown Prosecution service would take these to a criminal court.

### **Examples of racial harassment and discrimination**

This may be direct or indirect and while this list is not exhaustive it indicates the range of unacceptable behaviour/actions. These may include:

- Physical attacks or threats of a racist nature
- Deliberate physical, written and/or verbal abuse including embarrassing or derogatory remarks, jokes, name-calling and obscene gestures
- Any offensive manner of communication whatever the medium (e-mail, leaflet, poster, graffiti, imagery, Internet sites, social media)
- Encouraging others to behave in a racist way
- Making stereotypic assumptions about colleagues or service users or members of the public based on their race or culture, religion or belief
- Discouraging ethnic minority employees or members of the public from taking up services or opportunities for advancement
- Racist graffiti
- Damage to property
- Nuisance incidents such as noise or door knocking
- Offensive or dangerous material delivered through a letterbox
- Behaviour such as making gestures/signs and/or wearing racist badges or insignia

### **Examples of victimisation may include:**

- Counter allegations
- Being made to feel that pursuing a complaint may result in less favourable treatment by others/or an organisation
- Withholding support options or appropriate advice
- Not following normal management or service practice in resolving an issue
- Deliberate ignoring and excluding
- Uncooperative attitude
- Unreasonable and insensitive use of formal procedures of complaints and/or discipline/competence
- Unreasonable delays in following through agreed actions
- Differential judgement of behaviour or intelligence based on, for example, accent, expressiveness, requests, use of language
- Not following the normal management or service practice in resolving an issue
- Making an individual feel uncomfortable about attending a positive action or support group

## **3. Legal and Statutory Obligations**

This policy is in accordance with the following legislation:

- The Equality Act 2010
- The Human Rights Act 1998
- The Protection from Harassment Act 1997
- The Criminal Justice and Public Order Act 1994
- The Crime and Disorder Act 1998 – amended the Criminal (Consolidation) (Scotland) Act 1995

#### **4. Source of Complaint**

Complaints may come from many different sources as listed below, all of which will be investigated as a matter of urgency, and in line with our Complaints Policy and Procedures.

- To or by any member of ng homes staff or Board
- by letter, email or telephone call to the Association
- from any other Agency or person who has either witnessed the incident or to whom it has been reported

The first stage of the Racial Harassment Report Form RH1 (Appendix 1) should be completed immediately a complaint of racial harassment is received.

#### **5. Investigation and Action**

The first visit to the victim will take place within 24 hours of the information being received. At the first visit the Investigating Officer should complete Form RH2 (Appendix 2).

Where necessary, interpretation services should be arranged. The visit will confirm:

- the nature of the incident
- whether or not the Police have been involved. (The complainant will be encouraged to report the incident to the Police.)
- the victim's support needs. Support could be offered from:
  - Social Work Department
  - Police Scotland
  - Local Voluntary and Community Agencies
  - Complainants Support Group
  - National Agencies (e.g. Positive Action)
  - Others e.g. relatives / friends
- the identification of the alleged offender and in what capacity they are known to the complainant
- If the offender is an ng homes tenant or family member
- what the victim's views are on the action required
- Whether any repairs are required to the house. All repairs including graffiti will be treated as emergency repairs.
- to establish whether rehousing will be required. This may be within the Association's own stock or by negotiation with another Association or the local Authority.
- the complainant should also be advised of the Association's Racial Harassment Policy and the potential for legal action against the alleged perpetrators.
- The 'follow-up action' Form RH3 (Appendix 3) must be completed by the appropriate Officer following an incident.

Where the alleged perpetrators reside in an ng homes property Housing Services staff must interview the alleged offenders and/or their parents/guardians within 48 hours. Tenants must be advised that action up to and including eviction/repossession will be taken where there is clear evidence of racial harassment.

Where employees are victims of racial harassment in the workplace, a member of Human Resources will interview the victim and confirm the details as described above. Where the alleged perpetrator is an employee, trainee or volunteer of the ng group, the Association will immediately initiate the disciplinary procedures. If the alleged perpetrator is a Board member this will be dealt with in line with the Code of Conduct for Board Members. If the alleged perpetrator works for a partner organisation or support agency, the Association would immediately advise that organisation and provide details of the alleged incident(s) to be dealt with through their internal procedures.

## **6. Information & Training**

The Association will continue to work in partnership with other agencies to seek advice, guidance and training on racial harassment for both staff and Board members. This may include the following:

- PATH (Scotland)
- Positive Action in Housing (PAiH)
- Glasgow and West of Scotland Forum of Housing Associations (GWSF)
- The Scottish Housing Regulator (SHR)
- The Scottish Federation of Housing Associations (SFHA)
- Employers in Voluntary Housing (EVH)
- The Equality and Human Rights Commission
- Police Scotland
- Coalition for Racial Equality and Rights (CRER)
- West of Scotland Regional Equality Council (WSREC)
- Ethnic Minorities Law Centre (EMLC)
- Citizens Advice Bureau (CAB) (Citizens Advice Scotland)

## **7. Policy Monitoring**

Detailed monitoring records of the number of cases of racial harassment, their nature, action taken and the outcome, will be reported to the Association's Board.

## **8. Other Related Policies**

- Equality and Diversity
- Dignity at Work
- Staff Code of Conduct
- Board members Code of Conduct
- Complaints Policy and procedures
- Recruitment
- Discipline and Grievance

## **9. UK General Data Protection Regulation 2021**

The ng group will treat your personal data in line with our obligations under the UK General Data Protection Regulation 2021 (UK GDPR) and our own Data Protection Policy. Information regarding how your data will be used and the basis for processing your data is provided in our Fair Processing Notices.

## **10. Policy Review**

This Policy will be reviewed every three years or earlier in line with regulatory or legislative guidance/changes or good practice guidelines.

## **11. Equality Impact Assessment**

This Policy is equally applicable to all and has no detrimental impact on protected characteristic groups.

**Additional sources of information:**

- The Equality and Human Rights Commission ([www.equalityhumanrights.com](http://www.equalityhumanrights.com))
- The Equality Advisory and Support Service ([www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com))
- The Scottish Human Rights Commission ([www.scottishhumanrights.com](http://www.scottishhumanrights.com))
- Citizens Advice Scotland ([www.cas.org.uk](http://www.cas.org.uk))

The Scottish Government's One Scotland website ([www.onescotland.org](http://www.onescotland.org)) covers equality issues and this provides useful resources aimed at tackling racism and racist attitudes. These are available at <http://onescotland.org/resources/race/>

**Appendix 1 – Racial Harassment Report: Form RH1**

**Initial Report of Incident**

Received by: \_\_\_\_\_ Date/Time: \_\_\_\_\_

*Complainant's Name and Address:* \_\_\_\_\_

*Gender* \_\_\_\_\_

*Age* \_\_\_\_\_

*Ethnicity* \_\_\_\_\_

*Phone* \_\_\_\_\_

**Details of Complaint** (include any evidence of specific racial motives, include date, time & place)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***Details of perpetrator(s) (age, gender, ethnicity)***

***Witnesses (names & addresses)***

***Police informed***

***Interpreter helpful***

***Other agencies involved***

Complaint made by: \_\_\_\_\_

*A copy to be kept in the complainants file*

***A copy to be kept in a register of racial harassment reports***

## Appendix 2 – Racial Harassment Report: Form RH2

<b>Report of visit to Victim (Complainant)</b> <b>To be filled by the investigating officer at the first interview at home following an incident.</b>		
Name of tenant or person affected		
Address		
Gender	Age	Ethnicity
<b>Household details(family composition)</b>		
Date when incident occurred		
Type of incident <b>Racist graffiti</b> <b>Written abuse/threats</b> <b>Abusive telephone calls</b> <b>Verbal abuse</b> <b>Damage to property</b> <b>Physical assault</b> <b>Other Please state:</b>		
Witnesses to incident		
Details of perpetrators		
Police Informed		
Other support required		
Signature of Officer		
Date		



**Appendix 3 – Racial Harassment Report: Form RH3**

<p><b>Follow up Action</b></p> <p><b>Repairs ordered:</b> _____ <b>Repairs completed:</b> _____</p> <p><b>Rehousing required</b> _____</p> <p>_____</p> <p>_____</p> <p><b>Details of other Agencies Involved:</b> _____</p> <p>_____</p> <p><b>Action taken against perpetrators:</b> _____</p> <p>_____</p> <p>_____</p> <p><b>Signed</b> _____ <b>Date:</b> _____</p>
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