



**Drumchapel
Housing**

Co-operative Limited

Racial Harassment Policy

DRAFT

This document can be produced in various formats, for instance, in larger print or audio format and it can also be translated into other languages, as appropriate.

Proposed Approval Date by Board:
Review Date:

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1. Policy Statement

1.1 Drumchapel Housing Co-operative will not tolerate any level of racial harassment or violence affecting its tenants, staff or Management Board members. This policy and the procedures primarily relate to how the Co-operative will respond to tenants being the victim of racial harassment or our approach to tenants who we have grounds to believe are carrying out racially motivated attacks or harassment. The Dignity at Work Policy and the Code of Conduct for Staff, also support this policy when complaints are against staff or Board members.

1.2 In the case of where a member of staff racially harasses a tenant the tenant will be assisted under these procedures and the complaint against the member of staff should be dealt with and investigated in accordance with the Co-operative's disciplinary procedures. However, in a case where any member of staff racially harasses another member of staff, the complaint should be dealt with in accordance with the Dignity at Work policy. Depending on the outcome of the complaint the Disciplinary procedures may be invoked.

1.3 In the case of where a member of the Management Board racially harasses another member of the Management Board, the Board member will be assisted under these procedures and the complaint against the Board member should be dealt with and investigated in accordance with the Code of Governance and the rules. If a Management Board member harasses a staff member this will be dealt with in accordance with the Dignity at Work policy.

1.4 No tenant should live in fear of racial harassment or violence. Drumchapel Housing Co-operative is committed to ensuring the safety and security of people and their homes and neighbourhood. We value all of our tenants and are committed to enabling them to live safely and securely within their homes. However, we recognize some tenants, particularly those from black and minority ethnic communities, are more likely to experience racial harassment. To this end we will take firm action to eradicate any form of racial harassment.

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.

1.5 Racial harassment will be defined by reference to the victim's perceptions of the cause of their harassment. The Co-operative will make every effort to ensure that victims of racial harassment are aware of their rights and what remedies are available to protect them. The support and advice of community groups and other agencies will be sought to enable an effective response.

- 1.6 Racial harassment is a serious breach in Tenancy Agreement, which can lead to eviction.
- 1.7 The Co-operative will deal vigorously with racial attacks and harassment and use every available legal action against perpetrators, including prosecution and eviction. We will provide practical support for victims of racial harassment to protect them from further harassment and work in partnership with other agencies to create an environment which encourages racial harmony.
- 1.8 If a crime has been committed and the person wishes to pursue the matter, the Police will be contacted immediately since delay may prejudice the outcome of criminal procedures.
- 1.9 We will regularly monitor incidents of racial harassment, record follow-up measures and review the effectiveness of the procedure. We will seek feedback from tenants individually and collectively to learn from our experience of handling cases and to publicise our commitment to and arrangements for combating all harassment.

2. Identification of Racial Harassment

- 2.1 Racial Harassment should not be confused with neighbour disputes, general nuisance or vandalism, which are experienced by people of all races alike. There may of course be elements of any or all of these in a racial harassment case.
- 2.2 The report on the Stephen Lawrence Inquiry (1999) defines a racist incident, which includes racial harassment, in the following terms:
“A racist incident is any incident which is perceived to be racist by the victim or any other person”.

The inquiry recommended 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. This definition places emphasis on the victim’s perception the incident is racist. This policy and procedures are based on this definition.

- 2.3 Racial harassment and abuse can occur in a variety of forms. Whilst this list is not exhaustive it indicates the range of unacceptable behaviour:
 - a) Racial abuse - verbal and written.
 - b) Racially abusive behaviour such as spitting, threats, theft, offensive items left on doors and posted through letterbox.
 - c) Physical assaults on victims, their dependents and relatives.
 - d) Incitement - stirring up racial hatred by a variety of means such as petitions, leaflets and stickers.

- e) Damage to property - such as racist graffiti and slogans, bricks through windows and doors, damage to cars, other possessions and arson.
- f) Threats to wellbeing or life - such as lighted matches or rags being put through a letterbox.
- g) Behaviour such as wearing racist badges or insignia.
- h) Racist graffiti.

3. Prevention

- 3.1 These guidelines are intended to provide guidance to staff in dealing with incidents of reported racial harassment. However, the Co-operative should take a pro-active approach to the possibility of racial harassment.
- 3.2 All tenants should be advised that racially harassing neighbours is a breach of their tenancy agreement and the consequences of such breaches could include being made intentionally homeless.
- 3.3 Close liaison with the Police and community groups is essential to monitor cases and identify trends in racial harassment in particular areas.

4. Risk Management

- 4.1 The Co-operative has considered the potential risks facing the Co-operative should the policy on racial harassment fail to be adhered to.
- 4.2 The Co-operative recognises that it has responsibilities for the welfare of its tenants and expect tenants to respect the rights of their neighbours to live without nuisance or harassment. Failure to take and investigate complaints of racial harassment thoroughly and take early corrective action would have a detrimental impact on our tenants' quality of life, the Co-operative's reputation and ultimately lead to the Co-operative's area becoming undesirable and as a consequence the housing stock proving difficult to let.

5. Equality and Diversity

- 5.1 The Co-operative's Equality and Human Rights Policy, following consultation, outlines our commitment to promote a zero tolerance to unfair treatment or discrimination to any person or group of persons, particularly on the basis of any of the protected characteristics contained within the Equality Act 2010. This includes ensuring that everyone has equal access to information and services and, to this end, the Co-operative will make available a copy of this document in a range of alternative formats including large print, translated into another language or by data transferred to voice.

- 5.2 We are also aware of the potential for policies to inadvertently discriminate against an individual or group of individuals. To help tackle this and ensure that it does not occur, best practice suggests that organisations carry out Equality Impact Assessment to help identify any part of a policy that may be discriminatory so that this can be addressed (please see section 6 of the Equality and Human Rights Policy for more information).

6. Legislative and Regulatory Framework

- 6.1 The key legislation governing this policy is:

- The Housing (Scotland) Act 2001, 2010 and 2014
- The Race Relations (Amendment) Act 2000
- The Criminal Justice (Scotland) Act 2003
- The Anti-Social Behaviour etc (Scotland) Act 2004
- The Equality Act 2010
- Hate Crime and Public Order (Scotland) Act 2021

- 6.2 In terms of The Scottish Social Housing Charter, the Scottish Housing Regulator (SHR) has identified key indicators relevant to this policy where they will measure landlord performance:

Outcome 1 – Equalities

Social landlords perform all aspects of their housing services so that:

- *They support the right to adequate housing.*
- *Every tenant and other customer has their individual needs and rights recognised, is treated fairly and with respect, and receives fair access to.*

Outcome 6 – Estate Management, Anti-social Behaviour, Neighbour Nuisance and Tenancy Disputes

Social landlords, working in partnership with other agencies, help to ensure as far as reasonably possible that:

- *Tenants and other customers live in well-maintained neighbourhoods where they feel safe.*

7. The Co-operative's Approach to Racial Harassment

7.1 **Victim-Centered Approach**

Where the victim believes that the harassment is racially motivated, the investigation will begin from that premise and explore all avenues for evidence to substantiate this belief. We will adopt the Stephen Lawrence Inquiry definition of a racist incident when making investigations (see section 2.2)

7.2 **Investigation**

We will investigate complaints received in person or by letter or by phone with the minimum of delay between receiving the complaint and

a formal interview of the victim being carried out. If the victim prefers to speak in their first language, we will follow best practice by arranging a qualified interpreter to assist in the interview.

7.3 Property Repairs

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. Where the perpetrators have been identified we will charge the cost of any repairs to them.

7.4 The 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.

7.5 The Role of Other Agencies

We will work with other agencies, including the Police and other relevant 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 and:

- a) We will ensure that the victim is kept fully informed of the course of the investigation and the choices available, involving her or him fully in the decision-making processes.
- b) We will ensure that any third parties/contractors we employ adopt this or other acceptable policies covering anti-discrimination and racial harassment and will make this a contractual obligation.

7.6 Training

We will ensure that our staff and Management Board members are aware of the policy. We will provide all employees with on-going support and guidance along with training in the actions they should take in cases of racial harassment. We will monitor the effectiveness of this training

7.7 Monitoring the Policy

All incidents will be recorded on our housing system, monitored and treated in confidence. Reports will be presented to the Management Board on a regular basis and treated in confidence.

8. Policy Review

- 8.1 This policy will be monitored on an ongoing basis and will be reviewed every three years or sooner as deemed necessary by the Management Board or by legislation.

9. UK GDPR Privacy Statement

- 9.1 The Co-operative will gather and use certain information about individuals in accordance with UK GDPR. Staff members have a responsibility to ensure compliance with the terms of the privacy policy and to collect, handle and store personal information in accordance with relevant legislation. The Fair Processing Notice (FPN) details how personal data is held and processed.

**Drumchapel Housing Co-operative
Equality Impact Assessment**



| Name of the policy/proposal to be assessed | Racial Harassment Policy | Is this a new policy/proposal or a revision? | Revision |
|--|--|---|----------|
| Person(s) responsible for the assessment | Marisa McCarthy – Senior Housing Officer | | |
| Our policy has taken account of Article 6 of the Human Rights Act | <p>This article highlights that “People have the right to a fair trial”.</p> <p>The Co-operative will therefore ensure it makes reasonable adjustments to how they communicate with tenants, and others, when developing policies/delivering services which could result in legal action being taken.</p> <p>In particular, the Co-operative will seek to reduce barriers tenants, and other customers, from specific groups might encounter if they are subject to legal action (i.e. ensuring someone with ‘additional support needs’ understands the legal processes and/or the Co-operative work through any third parties or mediators that person works with, if legal action is initiated to someone with English as a second language the Co-operative will ensure they are provided with access to appropriate translation support, etc.).</p> <p>In addition, if someone was appealing against an allocation decision, required access to additional support (i.e. access to translators, assistance with completing forms, sign-posting to support groups, etc.) then the Co-operative would provide all reasonable assistance.</p> | | |
| Our policy has taken account of Article 8 of the Human Rights Act | <p>This Article highlights people’s “Right to respect for private life, family life and the home.”</p> <p>The Co-operative will seek to ensure policies deal effectively with anti-social issues, noise pollution, neighbour disputes, etc., and policies will avoid exacerbating any issues.</p> | | |
| Our policy has taken account of Article 14 of the Human Rights Act | <p>This article highlights the “Prohibition of Discrimination” in any areas of the Co-operative’s work.</p> <p>The Co-operative will seek to ensure its policies and decisions are based on the merits of each case and nothing to do with a protected characteristic. The only exception would be a policy / service designed to help a particular group i.e. sheltered housing, caretaker service (designed particularly to benefit the elderly and disabled).</p> | | |

| | |
|--|--|
| <p>1. Briefly describe the aims, objectives and purpose of the policy/proposal</p> | <p>The aim of this policy is to outline our approach to racial harassment and how our tenants and other agencies can support us in challenging racial harassment as well as other forms of harassment. The policy will ensure that victims of racial harassment are aware of their rights and what remedies are available to protect them.</p> |
| <p>2. Who is intended to benefit from the policy/proposal? <i>(e.g. applicants, tenants, staff, contractors)</i></p> | <p>Staff, tenants, Management Board members and any other stakeholders.</p> |
| <p>3. What outcomes are wanted from this policy/proposal? <i>(e.g. the benefits to customers)</i></p> | <p>To ensure the safety and security of our tenants, their homes and the community. Also to ensure the Co-operative meets our obligations regarding legal, regulatory, and best practice requirements.</p> |
| <p>4. Which protected characteristics could be affected by the proposal? <i>(tick all that apply)</i></p> <p> <input type="checkbox"/> Age <input checked="" type="checkbox"/> Disability <input type="checkbox"/> Marriage & Civil Partnership <input type="checkbox"/> Pregnancy/Maternity <input checked="" type="checkbox"/> Race <input type="checkbox"/> Religion or Belief <input type="checkbox"/> Gender <input type="checkbox"/> Gender Reassignment <input type="checkbox"/> Sexual Orientation </p> | |
| <p>5. If the policy/proposal is not relevant to any of the protected characteristics listed in part 4, state why and end the process here.</p> <p>There are protected characteristics relevant to this policy.</p> | |

| | Positive impact(s) | Negative impact(s) |
|--|--|--|
| <p>6. Describe the likely positive or negative impact(s) the policy/proposal could have on the groups identified in part 4.</p> | <ul style="list-style-type: none"> The policy has been created for those who are experiencing harassment therefore has a positive impact on those groups identified. | <ul style="list-style-type: none"> Accessibility for those with a disability who may require an alternative communication format. Language barrier for those whom English not their first language in accessing support. |
| <p>7. What actions are required to address the impacts arising from this assessment? <i>(This might include; collecting additional data, putting monitoring in place, specific actions to mitigate negative impacts).</i></p> | <ul style="list-style-type: none"> The Co-operative collects as much information from prospective tenants and existing tenants in relation to communication styles and support needs. This policy can be made available in alternative formats upon request such as braille, large font, or audio recording. It can also be translated into another language as required. An interpreter service is available on request. | |

Signed: M. McCarthy (Job title): Senior Housing Officer

Date the Equality Impact Assessment was carried out: 1st February 2024

Please attach the completed document as an appendix to your policy/proposal report