



RACIAL AND OTHER FORMS OF HARASSMENT POLICY



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1. BACKGROUND

Manningham Housing Association (MHA) is a registered social housing provider. The Association provides general needs, sheltered and supported housing for rent and shared ownership.

This policy sets out how we will deal with racial and other forms of harassment and is applicable solely to customers and complements our Anti-social Behaviour Policy. Where an incident relates to staff, the following documents should be referred to:

- Staff Code of Conduct
- Grievance and Disciplinary Procedure
- Confidential Reporting Policy

2. DEFINITION & EXAMPLES OF RACIAL HARASSMENT

The Association adopts the definition of a racist incident as provided by the Stephen Lawrence Enquiry Report:

“A racist incident is any incident which is perceived to be racist by the victim or any other person. The term racist incident must be understood to include crimes and non-crimes and must be reported and recorded and investigated”.

The Association also works in line with the legal definition of racial harassment which is:

“unwanted conduct (on the grounds of race or ethnic or national origin) which has the purpose or effect of either violating that person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment”.

Accordingly, racial harassment is violence which may be verbal or physical and which includes 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 grounds and/or there is evidence of racism. These include:

- Abusive notes or letters
- Arson or attempted arson
- Assault
- Bullying of children
- Car tampering
- Circulation of offensive reading material
- Creating persistent noise
- Cruelty to pets
- Damaging the home /property
- Dumping rubbish outside the home or through the letterbox



RACIAL AND OTHER FORMS OF HARASSMENT POLICY

Exclusion from social activities

- Loud music
- Malicious complaints – perhaps to those in authority
- Mocking gestures/ body language
- Nuisance telephone calls
- Racist graffiti
- Slogans on t-shirts or other offensive clothing
- Spitting
- Stalking
- Stealing or removal of property, e.g. plants
- Taunting from a distance
- Threatening behaviour
- Verbal abuse, face to face or over the phone

This list is not exhaustive.

3. HATE CRIME

This policy will also apply to incidents of hate crime. Our definition for hate crime is as follows:

“Hate Crime is where the perpetrator’s prejudice against any identifiable group of people is a factor in determining who is victimised.”

Hate crime can be any crime based on people’s differences, be the difference race, culture, faith, colour of skin, age, gender, sexual orientation or disability or other vulnerability. A victim of hate crime does not have to be either a member of a minority or someone who is generally considered to be a “vulnerable” person. For example, the friends of a visible minority ethnic person, lesbian or refugee may be victimised because of their association. In other cases a person entirely unconnected with hate motivation may be victimised if the perpetrator is mistaken in perceiving an association. Anyone can become a victim of a hate crime.

4 HOMOPHOBIC INCIDENTS

This policy will also apply to homophobic incidents. Homophobic incident is:

“any incident which is perceived to be homophobic by the victim or any other person that is directed to impact upon those perceived to be lesbian, gay men and bi-sexual or transgender people.”

5. POSITIVE & SENSITIVE APPROACH

We will deal with all incidents reported to us under this policy by taking a victim-centred approach such that the necessary support and protection will be provided to the victim(s).



RACIAL AND OTHER FORMS OF HARASSMENT POLICY

We will take firm action against the perpetrators and, in cases where there is an immediate risk to life or property, we will assist in liaison with the police immediately and expedite an investigation within 48 hours.

We will provide support to victims including offer of counselling, recording incidents, surveillance and other measures appropriate to the nature of the harassment.

6. PREVENTATIVE MEASURES

As part of the signing up procedure, housing staff will make customers aware of the Association's Racial and Other Forms of Harassment Policy. Customers will also be informed that they are responsible for the behaviour of family members and visitors, and acts listed under this policy, if proven, will be deemed a breach of their tenancy and could result in eviction.

7. INVESTIGATION - MANNINGHAM HOUSING RESIDENTS

The Association undertakes to investigate cases of racial and other forms of harassment listed in this policy in a sensitive and professional manner, and will contact complainants, to obtain detailed information (by the next working day in emergency cases of receiving a complaint). The Association will also liaise with the police or other agencies involved, requesting copies of reports, or forwarding information as required.

Where alleged perpetrators are fully identified (i.e. where names and addresses are known) and are our customers, the Association will arrange to interview them, with the permission of complainants. The alleged perpetrators will be provided with an opportunity to respond to the allegations made against them. They will also be advised that racial and other forms of harassment listed in this policy are unacceptable and, if proven, they constitute a breach of their tenancy agreement, which could result in the loss of their home. The action open to the association will rely upon the quality of evidence gathered and presented, the availability of independent witnesses, and the willingness of both complainant and witnesses to give evidence in Court.

If the alleged perpetrator(s) are under 18 years of age, we will interview them in the presence of a parent, guardian or responsible adult of their choosing.

8. INVESTIGATION - NON MANNINGHAM HOUSING RESIDENTS

The identity of perpetrators of racial and other forms of harassment listed in this policy is not always known, therefore, legal remedies are limited in some instances. However, the Association will liaise with appropriate statutory and voluntary agencies in an attempt to fully identify perpetrators, including the use of surveillance equipment or professional witnesses, where appropriate.



RACIAL AND OTHER FORMS OF HARASSMENT POLICY

The Association will seek legal advice, where necessary, in deciding the appropriate course of legal action, based on the consideration of the complainant's wishes, availability of independent witnesses, the quality of evidence available and the type of incidents.

This legal action may take the form of written warnings, legal written warnings, serving notice of our intention to seek possession (NISP), eviction or injunctions. Other actions against perpetrators could include the use of Criminal Behaviour Orders (CBO) and Acceptable Behaviour Contracts (ABCs).

Where the Association has been awarded possession of a property, due to racial or other forms of harassment, the perpetrator will not be provided with alternative accommodation.

9. ACTIONS AGAINST PERPETRATORS OF RACIAL & OTHER FORMS OF HARASSMENT

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10. REHOUSING OF EXISTING MHA RESIDENTS EXPERIENCING RACIAL AND OTHER FORMS OF HARASSMENT

After investigation where it has been concluded that racial or other forms of harassment has occurred or is suspected, the Housing Manager or the Director will have the authority to rehouse the complainant if requested.

It is essential that victims do not suffer further by being rehoused in accommodation which is not comparable to that being vacated. Offers of accommodation will not be restricted due to rent arrears.



RACIAL AND OTHER FORMS OF HARASSMENT POLICY

In cases where the complainant (or their family) have experienced serious physical assault, arson or the threat of arson or there is a risk to the safety of the complainant (or family) the Association will offer the option of arranging emergency accommodation.

Financial assistance to help towards the cost of moving will be considered by the Investigating Officer if necessary.

11. REPAIRS

Where damage has been caused to the tenant's home, or graffiti daubed on the property, we will ensure prompt action immediately. The cost of this will be borne by the Association. However, if the perpetrators of the damage or graffiti are fully identified, the necessary orders must be recharged.

Officers, whose role takes them out of the office, should report any graffiti appearing on MHA's schemes attributable to hate crime activity. The Association will seek immediate removal on the graffiti.

12. SUPPORTING VICTIMS AND WITNESSES

We will take a victim-centred approach when dealing with cases of racial and other forms of harassment listed in this policy. We will, therefore:

- Keep regular contacts with victims of racial harassment and review their cases monthly, until their case is satisfactorily resolved and closed.
- Consider management transfers on the grounds of harassment fairly and sympathetically where this is a helpful resolution of the case.
- Invest in the use of CCTV equipment to assist in evidence gathering that is admissible in court if necessary
- Where necessary improve security, helping to protect vulnerable residents in their homes i.e., window locks, fireproof letterboxes, door entry systems, better street lighting.

13. TRAINING

Staff responsible for investigating or handling racial or other forms of harassment cases will be required to attend training. We will ensure that staff make use of the most appropriate service and response in dealing with victims and alleged perpetrators.

The Association will, from time to time, conduct training sessions to ensure that Board members and other officers are up-to-date with the policy and procedures for dealing with racial and other forms of harassment listed in this policy



RACIAL AND OTHER FORMS OF HARASSMENT POLICY

14. MONITORING AND REVIEW

The Director of Customer Services has overall responsibility for the on-going monitoring of the policy through the work of frontline staff, particularly those engaged in neighbourhood management. The policy will be reviewed every three years unless statutory changes or good practice guidance require a review to be carried out sooner.

Date Approved by the Board	Next Review date	Responsible Manager
12 March 2014	March 2017	Director of Customer Services