

RACIAL HARASSMENT POLICY IN SOCIAL HOUSING

1 SUMMARY

- 1.1 Members of the Sub-Committee to consider the adoption of the amended Racial Harassment Policy.
- 1.2 On 12th September the Committee recommended amendments to the proposed policy and asked that a revised document be referred back to the next meeting.

2 INTRODUCTION

- 2.1 In December 2000 the Council adopted the Commission for Racial Equality Standards for Local Government. Following consultation with the Essex Council for Racial Equality, the Corporate Director (Law, Planning and Administration) produced a policy statement and action plan in accordance with the Council's Best Value target to achieve Level 3 of the standard by March 2002.
- 2.2 Each service is required to consider the Racial Harassment Policy in connection with its own service area. Good practice standards from the Department of Transport, Local Government and the Regions, and the Commission for Racial Equality, recommends that Housing Services should have their own defined and adopted policy.
- 2.3 This report needs to conclude the Council's adoption of the Commission for Racial Equality Race Relations Code of Practice in Rented Housing, which commenced in May 2000.

3 DETAILED CONSIDERATION

- 3.1 The attached appendix sets out the detailed amended policy and guidelines. It sets out a clear intention that Rochford District Council will not condone or tolerate any incidents of racial harassment and creates a victim-centred approach in order to give victims the confidence to report incidents.
- 3.2 The new section 4, Dealing with Perpetrators, ensures that the rights of the individual are considered and proposes that wherever possible the police lead in any investigation. It also states that malicious accusations will be treated as harassment and may place a tenant in breach of the Tenancy Agreement.

-
- 3.3 Section 6.10 has been expanded to provide for a situation whereby a person suffering from harassment has the opportunity to return to their property once the problems are resolved.
- 3.4 Section 6.15 has been amended to use the term 'will'.
- 3.5 In addition section 3.3 has been expanded to explain that both judgmental remarks and leading questions could seriously undermine not only community relations but also hamper both a police and internal investigation.
- 3.6 This policy complies with the Macpherson Report following the Stephen Lawrence Inquiry.
- 3.7 The Council is already a member of the South East Essex Incident Panel, a multi-agency forum, where incidents of racial harassment can be co-ordinated between the police and other local organisations. This policy formalises the Council's commitment to prevent harassment and support victims.
- 3.8 The Tenants Association have been involved in the review of this document, as their co-operation in reporting incidents and supporting victims is vital.

4 CRIME AND DISORDER IMPLICATIONS

- 4.1 This policy meets the primary objectives of Rochford District Council's Crime and Disorder Reduction Strategy.

5 RESOURCE IMPLICATIONS

- 5.1 The on going costs of implementing this policy are minimal, involving some in-house printing of stationery, ordering of leaflets from the Commission for Racial Equality and in-house staff training, to ensure the education of front line staff.

6 LEGAL IMPLICATIONS

- 6.1 Under the Race Relations Act 1976 and the Race Amendment Act 2000, the Housing Management Section is required in the carrying out of its various functions to have due regard to the need to eliminate unlawful discrimination and to promote racial equality and good race relations.
- 6.2 The Protection from Harassment Act 1997 makes harassment a criminal offence and a conviction can form the basis of a ground for possession under Schedule 2 ground 2 of the Housing Act 1985, as amended by Sections 144 to 146 of the Housing Act 1996.

-
- 6.3 Under the terms of the tenancy agreement, sections 4.11 and 4.12, dealing with anti-social behaviour, the tenant is prohibited from committing any form of harassment or threatening or committing violence.
- 6.4 Under Section 152 of the Housing Act 1996, the authority may apply for an injunction for anti-social behaviour, if the respondent has used or threatened violence, and this may have a power of arrest attached.
- 6.5 An Anti-social Behaviour Order may be obtained under the Crime & Disorder Act 1998, by Local Authorities or the Police.

7 RECOMMENDATION

- 7.1 It is proposed that the Sub-Committee **RECOMMENDS**

The adoption of the Racial Harassment Policy for Social Housing, as specified in the appendix. (HRHM)

Steve Clarkson

Head of Revenue and Housing Management

Background Papers:

Commission for Racial Equality Race Relations Code of Practice in Rented Housing.

Department of Environment, Transport and Regions, Tackling Racial Harassment: Code of Practice for Social Landlords.

Chartered Institute of Housing good practice manual.

HMSO- Racial Attacks and Harassment: the Response of Social Landlords.

Home Office 1996 – Taking Steps: A Multi-Agency response to Racial Attacks and Harassment.

For further information please contact Tricia Colwell on:-

Tel:- 01702 318030

E-Mail:- tricia.colwell@rochford.gov.uk

