

RACIAL HARASSMENT POLICY IN RENTED HOUSING

1 SUMMARY

- 1.1 To propose the adoption of a Racial Harassment Policy.
- 1.2 There is a no statutory requirement to have a Racial Harassment Policy, but good practice and Best value Performance Indicators require a formal policy.
- 1.3 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 INTRODUCTION

- 2.1 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.
- 2.2 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 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 This policy complies with the Macpherson report following the Stephen Lawrence Inquiry.
- 3.3 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.

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- 3.4 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 Rented Housing, as specified in the appendix. (HRHM)

Mr S J 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.

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