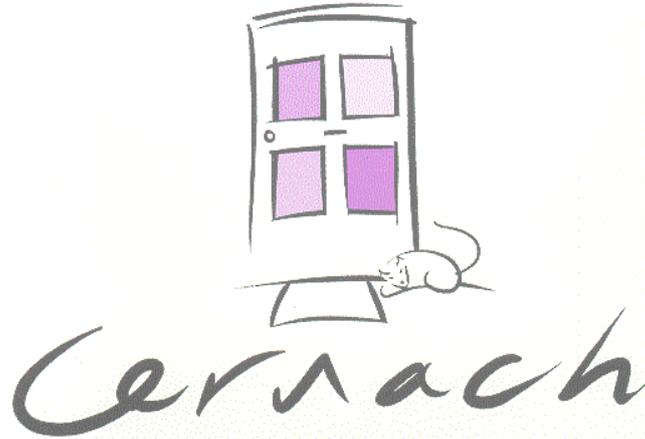


# **CERNACH HOUSING ASSOCIATION LIMITED**



## **RACIAL HARASSMENT POLICY**

**Date Approved by Management Committee:**  
**Due for Review:**

September 2018  
September 2021

## **POLICY STATEMENT**

- 1.1 Cernach Housing Association has a zero tolerance for racial harassment and will be dealt with in accordance with the Associations internal policies and procedures. This applies to staff, committee members and tenants. This will also include third parties who are contracted to carry out work for us e.g. contractors.
- 1.2 No resident should live in fear of racial harassment or violence. This Housing Association is committed to ensuring the safety and security of people and their homes and neighbourhood. As part of a comprehensive fair housing policy we will take firm action to eradicate any form of racial harassment.
- 1.3 The policy ensures we observe all areas of equality and diversity within our business and staff and committee are made aware of theirs and the Associations rights and responsibilities. This in turn highlights Cernach's commitment to encouraging equality and diversity among our workforce, and eliminating unlawful discrimination.
- 1.4 The Association 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.
- 1.5 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.

## **2. IDENTIFICATION OF RACIAL HARASSMENT**

- 2.1 Racial harassment is an incident or a series of incidents intended or likely to be interpreted as directed towards people of a particular colour, race, religion or nationality, and a racist incident is defined to be any incident that is perceived to be racist by the victim or any other person (Macpherson Report 1999).

Such behaviour may include but not exhaustive of the following:-

- Derogatory name calling
- Verbal threats, insults and racist jokes.
- Display of racially offensive material.
- Physical attack.
- Encouraging others to commit any such acts.

This should not be confused with neighbour disputes, general nuisance or vandalism which is experienced by people of all races alike.

- 2.2 A complaint regarding Racial Harassment will be classed as an Extreme Complaint (**Category A**) and complaints of this nature relating to a protected characteristic as defined by the Equality Act 2010<sup>1</sup> will be treated as a very serious anti-social incident. This is noted within our complaints policy

The above lists are not intended to be exhaustive.

### **3. PREVENTION**

- 3.1 These guidelines are intended to provide guidance to staff in dealing with incidents of reported racial harassment. However, the Association 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 the tenancy agreement and the consequences of such breaches could include being made intentionally homeless through eviction.
- 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 Association has considered the potential risks facing the Association should the policy on Racial Harassment fail to be adhered to.
- 4.2 The Association recognises that it has responsibilities for the welfare of its tenants and expects 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 Association's reputation and ultimately lead to the Association's area becoming undesirable and as a consequence the housing stock proving difficult to let.

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<sup>1</sup> The Equality Act 2010 identifies the "protected characteristics" as age, disability, marriage and civil partnership, race, religion or belief, gender, gender reassignment and sexual orientation

## **5. EQUALITY & DIVERSITY**

- 5.1 The Association's Equality and Diversity policy was approved by the Committee in April 2018. It outlines our commitment to promote zero tolerance to unfair treatment or discrimination to any person or group of people and includes ensuring that everyone has equal access to information and services and, to this end, the Association 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, best practice suggests that organisations carry out Equality Impact Assessments to help identify any part of a policy that may be discriminatory so that this can be addressed (please see section 5 of the Equality and Diversity Policy for more information).
- 5.3 In line with section 5.3 of the equality and diversity policy, the Association will apply a screening process based on that recommended by the Equality and Human Rights Commission to ascertain whether each policy requires an Impact Assessment to be carried out. The screening process was applied to this policy and it was decided that an impact assessment is required. Please refer to Appendix 1.

## **6. LEGISLATIVE & REGULATORY FRAMEWORK**

- 6.1 A key feature of the Association's strategy is to develop good practice when dealing with racial harassment. The key legislation governing this policy is the Housing (Scotland) Act 2014, The Criminal Justice (Scotland) Act 2003, and the Anti Social behaviour Bill (Scotland) 2004). It also includes the Equality Act 2010 which consolidates much of the previous equalities-related legislation into one single Act. In implementing this policy the Association complies with The Scottish Social Housing Charter outcome 6. "Tenants and other customers live in well-maintained neighbourhoods where they feel safe".

## **7. THE ASSOCIATION**

- 7.1 **Victim-Centred 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 Macpherson Report (1999) definition of a racist

incident when making investigations (see section 2.1)

## **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 when arranging a qualified interpreter to assist in the interview.

- 7.3 The Housing (Scotland) Act 2014 gives social landlords the powers to convert an existing tenants Scottish Secure Tenancy Agreement (SST) to a Short Secure Tenancy Agreement (SSST) or to grant SSST to a new tenant in cases where there is evidence that the tenant, a member of their household or a visitor has been involved in anti-social behaviour in or near their home in the last three years. This extends existing powers for the issue of a SSST (which previously required the tenant to have been evicted for anti-social behaviour or subject to an Anti-Social Behaviour Order (ASBO) within the last three years).

## **7.4 Property Repairs**

We will treat repairs, including the removal of graffiti, arising as a result of racial harassment as a priority and where possible will provide such additional security measures as are necessary. Where the perpetrators have been identified we can charge the cost of any repairs to them.

## **7.5 The Role of Other Agencies**

We will work with other 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.

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.

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 make all our employees and Management Committee members 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, monitored and treated in confidence.

**8. POLICY REVIEW**

8.1 The policy and procedure for racial harassment shall be reviewed every three years or sooner as deemed necessary by the Management Committee. The next review is therefore due no later than August 2021 by the Director.

1.

**APPENDIX 1**

**EQUALITY IMPACT ASSESSMENT**

<b>Is further action required?</b>	<b>Yes</b>
<b>Is the action achievable?</b>	<b>Yes</b>
<b>Timescale for action</b>	<b>Year End Report (see 4.1)</b>

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1. **Aims of the policy**

a) What is the purpose of the policy?

- To outline the Association's commitment to equality and diversity
- To ensure that we never act in a discriminatory manner towards any individual or group
- To outline the guiding principles of our equality and diversity thinking and to re-affirm our zero tolerance approach
- To inform our Equality and Diversity Action Plan
- To help ensure that we meet our obligations with regard to legal, regulatory and best practice requirements

b) Who is affected by the policy/who will benefit from the policy and how?

- Cernach tenants and others who live in our properties
- Owners who may participate in improvement schemes
- People who live in our area of operation and housing applicants
- Staff and Management Committee
- Contractors and consultants who are required to observe the policy
- Partner agencies and other organisations who contact us

c) Who is be responsible for delivering the policy?

Housing Officers and the Housing Services Manager on a day-to-day basis and ultimately the Management Committee.

- d) How does the policy fit into our wider or related policy initiatives?

The policy is related heavily to our Neighbour Disputes and Anti social behaviour policy.

**2. What do we already know about the diverse needs and/or experiences of our target audience?**

Do we currently have information on:

Age	Yes	✓	No	
Disability	Yes	✓	No	
Marriage and Civil Partnership	Yes	✓		
Pregnancy and Maternity	Yes	✓		
Race	Yes	✓	No	
Religion and Belief	Yes		No	✓
Gender	Yes	✓		
Gender Reassignment	Yes		No	✓
Sexual Orientation	Yes		No	✓

**Tenants and other residents**

- 2.1 Whilst we require to update and broaden the information we have on tenants and other residents, we would expect all of the protected characteristics to be represented within this target audience. One of the main barriers to equality in service provision is likely to be inaccessibility. The policy outlines our commitment to addressing this and, further, it requires us to be proactive in seeking out and responding to all the communications and access needs that may exist.
- 2.2 The policy helps us ensure that we are providing service that are responsive to the requirements of all groups.

**Owners who are Factored by Cernach HA**

- 2.3 As at 2.1 and 2.2, above.

## **2.4 People who live in the local area and housing applicants**

As at 2.1 and 2.2, above.

### **Staff and Management Committee**

- 2.5 The policy ensures that we observe equality and diversity issues in employment and in the recruitment of Management Committee members. The office and Committee areas are accessible and the policy allows information to be provided in any format that would make it possible for staff or Committee to better fulfill their roles.
- 2.6 All staff and Committee are made aware of theirs and the Association's rights and responsibilities in relation to equality and diversity and receive periodic training. They know about the Association's zero tolerance approach and are aware of how to raise any concerns.

### **Contractors and consultants and partner organisations**

- 2.7 The policy requires the Association to observe equality and diversity issues in the procurement of consultants and contractors and our relationships with partner organisations.
- 2.8 Any contractors or consultants working for or representing the Association are made aware of our commitment to equality and diversity and are advised of our expectations in terms of how we require them to observe our policy at all times. Any consultants/contractors or anyone representing a partner organisation who feel they have been discriminated against are aware of how to raise these concerns.
- 2.9 The policy requires action to be taken against any consultants or contractors found to be in breach of our policy.

## **3. What does the information we have tell us about how this policy might impact positively or negatively on the different groups within the target audience?**

- 3.1 We have some information on age, disability, gender and race/ethnicity but this mainly relates to tenants and housing applicants and requires to be updated regularly in order to remain accurate. We have not yet

collected information on sexuality and religion/belief, but this is being introduced and, over time, we will begin to build up a picture of sexuality and religion/belief of our tenants and other stakeholders. This information will be analysed and we will consider setting targets by June 2014.

- 3.2 The Equality and Diversity Action Plan, approved by the Management Committee in April 2018, will address in more detail what the impact may be on the different groups within our target audience.

**4. Do we need to carry out a further Impact Assessment?**

- 4.1 At each year end, when reporting to Committee, if we have any cases of racial harassment then a further Impact Assessment will be carried out.

**5. How will we monitor and evaluate this policy to measure progress?**

- 5.1 Ongoing monitoring by staff and an annual written report Management Committee and annual revision of the Equality and Diversity Action Plan (any issues or concerns highlighted by the ongoing staff monitoring will be reported to the Committee via an exceptions report). We will also produce an article in the Annual Report which is sent to tenants and members.