



Celebrating our

DIVERSITY

Ashfield Homes Racist Incident Policy & Procedure

‘Reaching beyond our differences’

Ashfield Homes Limited

Racial Incident Policy and Procedure

Working Together To Provide a Safe Environment

Foreword

This Policy and Procedure has been produced in consultation with the Race Equality Council and is a guide for Ashfield Homes Officers to use when dealing with reports of Racial Incidents. Officers will deliver the service in a non-judgemental and sympathetic manner. If the incidents are ongoing and are not racial then Officers should make reference to the Anti-social Behaviour Policy and Procedures. However, if an Officer feels that they are the Victim of a Racial Incident, refer to the Ashfield Homes Limited Dignity at Work policy.

Introduction

Ashfield Homes Limited recognises that racial incidents are a serious problem, which disproportionately affects and concerns members of the black & minority ethnic communities. In an attempt to effectively deal with reported cases of racial incidents and to make clear to all, the seriousness with which Ashfield Homes Limited, views such racist behaviour and the action it is prepared to take against the perpetrators of such acts this policy has been developed.

This Policy supports and should be read in conjunction with the 'Community Cohesion Strategy' and 'Equality and Diversity Policy Statement' of Ashfield Homes Limited, which opposes all forms of discrimination including discrimination on the grounds of race and national origin as per the Race Relations Act 1976.

In order to ensure that all suspected cases of racial incidents are treated seriously, Ashfield Homes undertakes to ensure that the following procedure is followed in **all** instances.

Definition of a Racist Incident

The definition of a racist incident recommended by the Stephen Lawrence Inquiry Report is that: -

'A racist incident is any incident that is perceived to be racist by the victim or any other person'.

Ashfield Homes will use this definition to ensure that we work within the same parameters as our partner agencies.

Officers should be aware that this is a perception based definition, which does not need to be challenged or qualified. However, Officers will need to investigate the fact, not as a way of disproving, but to decide on the most appropriate action to be taken.

Officers need to ensure that action is taken in accordance with the Company's moral and statutory requirements, such as the Race Relations Act 1976, the Race Relations (Amendment) Act 2000, Human Rights Act 1998, Data Protection Act 1998 and appropriate codes of practice.

Effective action should be taken against alleged perpetrators, using legal remedies available and working in partnership with other agencies as appropriate.

Objectives of the Policy

Ashfield Homes Limited will ensure that the following objectives are met as part of their commitment to prevent, reduce and deter Racial Incidents:-

- Developing appropriate support mechanisms through multi-agency work;
- Supporting victims of racial incidents by ensuring their safety;
- Raising awareness about the existence and effects of racial incidents through multi-agency work, publicity and training;
- Providing training to staff on identifying racially motivated incidents and being clear about their responsibilities;
- Monitoring the reporting of racial incidents and the action taken by Ashfield Homes in response to the conduct;
- To fulfil our requirements as a participating agency of the Nottinghamshire Common Monitoring Project;
- Working towards the wider Crime and Disorder Strategy, which racial incidents fall within the violent crime ambit.

Procedure

1 1. Initial contact and assessment of the risk

1.1 The Neighbourhood Safety Team Manager will have the overall responsibility for ensuring that all reported cases of racial incidents to Ashfield Homes Limited, are investigated and managed sensitively and appropriately.

1.2 When a racial incident has been reported to any Ashfield Homes employee directly or indirectly, every employee is under a duty to ensure that the Neighbourhood Safety Team Manager and the Neighbourhood Safety Team Senior Officer are informed. The Neighbourhood Safety Team Manager will make an initial assessment of risk and ensure that the victim is contacted or visited, within 24 hours (except at weekends and bank holidays) by an Officer from the Neighbourhood Safety Team, in accordance with the individuals cultural or religious beliefs, and appropriate action taken to ensure the victim's safety. The investigating officer must not enter any residence where a responsible adult is not present.

1.3 A victim centred approach will always be adopted. If the victim considers the case to be racially motivated it will be treated as such. The 'perception' must be used as a starting point to help the focus of the investigation, and not the conclusion, as such incidents that are not evidenced as racial should still be recorded as such. Officers need to be aware that an incident may be perceived as Racial by someone other than the victim, where this is the case it should be recorded as a Racial incident.

1.4 The investigating officer will always discuss the needs of the victim to include cultural / religious or other needs for example, for non readers, and offer an interpreter (Language Line), or signer to ensure that as much information is gathered that will assist in getting the best evidence for prosecution, the initial contact Officer will probably be the first person they tell the detail to. Information taken should in turn be given back in different languages and in appropriate format to, for example, non-readers. Where language barriers exist; friends and relatives should never be expected to interpret in racial incidents or other hate crime type incidents.

1.5 If the victim has been physically assaulted or has been threatened with physical violence then the case should, with the victim's agreement be immediately referred to the Police. If the victim is prepared to give evidence in Court, the case should be prepared and the matter referred to Ashfield District Council's Legal Section who will consider the evidence and the range of available remedies. If criminal action is not imminent Officers should give consideration to civil remedies such as, the use of without notice Injunctions or Anti- social Behaviour Orders.

1.6 The investigating officer will complete a Nottinghamshire Common Monitoring Project Report Form as soon as practicable, and refer it to the Nottinghamshire Common Monitoring Project to ensure statistics are kept of racial incidents. Officers may find this form a useful check of what information is needed; in particular what was actually 'said and done', as it comes into play where a Racially Aggravated Offence has taken place. This is a criminal offence and the Police should be informed (with the victim's agreement).

1.7 Prior to the sharing of information with the other appropriate agency(s) in relation to personal details of a victim or witness, their written consent must be obtained.

1.8 Ashfield Homes Limited will ensure that any damage to property or racial graffiti will be dealt with or removed within twenty-four hours of it being reported. Photographs of the racial graffiti must be taken prior to its removal.

1.9 The witnesses at risk of intimidation or reprisals will be entitled to similar protection as the victims, as their evidence will be crucial should the case go to court. Court support can be arranged for both the victims and witnesses whilst giving evidence such as, separate entrance to the court building and a witness room to use to prevent them coming into contact with the perpetrator, prior to the court room. A tour of the court room should also be offered and arranged if appropriate, to put the victim and witnesses at ease and familiarise them with the process.

1.10 Where the victims fear for their safety in their own homes, consideration may be given to re-house or offer the following:-

- "Target hardening" of their home and immediate environment;
- Installation of a Police Panic Alarm;
- Fireproof letterbox (refer to Police Crime Prevention Officer);
- Referral to Ashfield District Council's Homeless Section to arrange, temporary or permanent re-housing;
- Referral to Tenancy Support, Victim Support or other relevant agency.

2. Investigation

2.1 A full investigation will be initiated; all complaints will be dealt with seriously and properly investigated before conclusions about potential actions are made. The level of vulnerability and risk to the victim will also be considered throughout the investigation and appropriate action taken where necessary. Officers must consider the risk of repeat attacks, offender retaliation and whilst not condoned, there may also be a risk of the victim responding to incidents. **Ongoing communication with the victim and witnesses is paramount throughout the investigation, action**

stages and following the closure of a case until an agreed time whereby the victim and witnesses feel that they no longer require Officer support or such a time when alternate support mechanisms are in place.

2.2 Positive steps will be taken to identify the alleged perpetrator (s). Once the alleged perpetrator (s) has been identified, and if the victim has no objections, the allegations against the alleged perpetrator (s) shall be brought to their attention, within three working days. Officers should be pro-active when gathering evidence and also consider the use of covert cameras if appropriate, either via Ashfield Homes or the Police. Officers will support victims by giving evidence on their behalf as a 'professional witness', this evidence will be 'hearsay' and will not be as effective in court as 'direct' evidence however, will be useful where a victim does not wish to give evidence themselves. Consideration should also be given to the use of video links to present evidence to the courts.

3. Legal Action

3.1 Where there is sufficient evidence, consideration will be given to the full range of Civil and Legal remedies against perpetrators, including Injunctions, Anti-social Behaviour Orders, and Possession Proceedings.

3.2 Where a victim is an Ashfield District Council tenant and has had property damaged, any claim for costs will be pursued against the perpetrator (s) by Ashfield Homes Limited, in conjunction with Ashfield District Council.

4. Transfer Report

4.1 In cases other than those identified as an emergency; where the victim has requested re-housing and where appropriate, the Neighbourhood Safety Team Manager will give consideration and determine whether additional points will be awarded in accordance with Ashfield District Council's Lettings Scheme.

5. Conclusion of the case

5.1 To conclude all racial incident cases, the Neighbourhood Safety Team Manager along with the investigating officer, will have to be satisfied that the following criteria are met.

- All applicable steps have been carried out satisfactorily. Everything reasonably possible that could have been done in response to the complaints and issues related to legal action against the perpetrator has been considered / done.
- There have been no further incidents for a period of three months.

5.2 The Neighbourhood Safety Team Manager has the overall responsibility for closing a case; this will be in consultation with the investigating officer, the victim and other agencies that may have been involved in the case.

5.3 The Victim must be kept informed throughout the case and in particular must be consulted, and their concerns taken into account prior to case closure. The victim needs to be reassured that the case can be reopened at any time should there be further incidents.

5.4 Ashfield Racist Issues Group (A.R.I.G.) will be given a confidential report of the incident to protect the identity of victims and witnesses, which will be taken along to the quarterly meeting. This will allow agencies to target resources effectively and identify patterns of behaviour or trends, within the Ashfield District.

6. Information and Training

6.1 This Procedure will be reviewed every three years, in consultation with Ashfield Racist Issues Group (A.R.I.G.) and the Race Equality Council.

6.2 At regular intervals other organisations, such as the Race Equality Council, Police, Victim Support and Nottinghamshire Common Monitoring Project, will be invited to offer specialist training which could complement in-house training.

6.3 Frontline staff will be trained on policies, procedures, role of the Race Equality Council, Nottinghamshire Common Monitoring Project and the recognition of racial incidents on a regular basis.

Racial Incident Procedure – Summary Check List

1. Has the victim been contacted or visited within 24 hours of reporting a racial harassment incident?
2. Have the victim and witnesses been kept informed throughout the case?
3. Does the victim require an interpreter if so, attain service?
4. Has the victim's written consent been obtained with regards to sharing the information with other appropriate agencies and or the Police?
5. Is a Police Panic Alarm required if so, attain service?
6. Have the witnesses been contacted / interviewed?
7. Have the witnesses been offered similar protection as the victims?
8. Have the perpetrator(s) been contacted / interviewed?
9. Has mediation been considered?
10. Have the full range of civil and criminal remedies against the perpetrator been considered?
11. If applicable, has suitable alternative accommodation been offered?
12. Has everything possible that could have been done in response to the complaints and issues related to legal action been done?
13. Has the case been successfully concluded?
14. Has the Nottinghamshire Common Monitoring Report Form been completed?
15. Has the confidential report with details of the incident been passed to the Ashfield Racist Issues Group?



هەر زانیاریهك ده‌بارهی ئاشفیلد هۆمس كه به زمانی ئینگلیزی نوسراوه ئەتوانریت بو زمانی كوردی ته‌رجومه بكریت. تکیه داوای زانیاری زیاتر له ئەندامیکی ده‌سته‌ی فه‌رمانبه‌ران بکه.

KURDISH

Ashfield Homes 印製的所有英文刊物，都可翻譯成中文。請聯絡本處職員，查詢詳情。

CANTONESE

ایشفیلڈ ہومز سے متعلق انگریزی زبان میں دستیاب کسی بھی معلومات کا اردو زبان میں ترجمہ فراہم کیا جاسکتا ہے، مزید معلومات کے لیے برائے مہربانی اسٹاف کے کسی رکن سے بات کریں۔

URDU

अंग्रेजीમાં लभेल अशफ़िल्ड होमसनी कोर्य पाश माहिली गुजरातीमां तरजूमो थर्य शके - कृपा करी वद्यारे विगत माटे स्टॉफना सभ्यने पूछो

GUJURATI

Wszelkie informacje dotyczące Ashfield Homes napisane po angielsku mogą być przetłumaczone na język polski - o dalsze szczegóły proszę zapytać osobę z personelu.

POLISH

Any Ashfield Homes information is available in large print, audio, Braille and other languages. Please contact Tenant Participation Officer on 01623 608921 or Mini com 01623 608989