

148: Tackling racial harassment: code of practice for social landlords

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Acknowledgements and Endorsements

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The Code of Practice has been endorsed by the Chartered Institute of Housing, the Local Government Association and the National Housing Federation.

Introduction

This Code of Practice sets out action that all social landlords should take to prevent racial harassment, to ensure that racist incidents are reported, to support tenants and their families when such harassment does occur and to take action against perpetrators to enforce the landlord's civil powers and deter further harassment.

The guidance set out here draws on recent research on racial harassment by Lemos & Crane for the Joseph Rowntree Foundation, the Department of the Environment, Transport and the Regions, the Home Office, the Housing Corporation and the National Assembly for Wales. It also draws on guidance from the Home Office (Code of Practice on reporting and recording racist incidents) and the Race Relations (Amendment) Act 2000, which places a duty on public bodies to promote racial equality. In addition the Association of Chief Police Officers (Guide to Identifying and Combating Hate Crime) and the report of the Stephen Lawrence Inquiry provide a significant context.

These reports, together with the mass of previously published guidance, give managers drawing up racial harassment policies a wealth of ideas. Social landlords are encouraged to draw in detail from all schemes throughout the United Kingdom and ensure that this information is available to their partners. Most of the examples of good practice given in this Code are taken from the research set out at the web-site, www.raceactionnet.co.uk

Practitioners and policy makers will find information on all types of action, including multi-agency working, ensuring racist incidents are reported, support for victims and action against perpetrators at this site.

The structure of the code of practice

This code of practice is divided into five subjects:

- Working with other agencies.
- Prevention and publicity.
- Encouraging reporting.
- Supporting victims and witnesses.
- Action against perpetrators.

On each subject, several good practice standards are set out. Along side the standards is guidance to assist with compliance. Examples of current good practice by a social landlord for each standard are also given.

The full set of good practice standards is set out in section one. The rest of the report is divided into sections covering the subjects listed above.

Section 1

Good Practice Standards for social landlords on tackling racial harassment

1.1 Multi-agency working

1.1.1 Social landlords should adopt the definition of racist incidents recommended in the Stephen Lawrence Inquiry.

1.1.2 Social landlords should join and participate in multi-agency forums on racial harassment in areas where they hold a substantial housing stock.

1.1.3 Front line staff need to be aware of local agencies and services to support victims of racial harassment.

1.2 Prevention and publicity

1.2.1 Social landlords should have a clause in their tenancy agreements which specifically prohibits racial harassment.

1.2.2 Social landlords should work with other local agencies to map racist incidents to detect local trends and identify 'hot spots'.

1.2.3 Social landlords should use 'target-hardening' measures to protect vulnerable tenants in their home.

1.2.4 Social landlords should display posters and leaflets stating their commitment to tackle racial harassment as well as the action they will take to deter perpetrators and to give victims information, and confidence, to report racist incidents.

1.2.5 Social landlords should work with the police and other local agencies on outreach work with schools and youth groups.

1.2.6 Lettings and transfers policies should minimise the risk of further racial harassment and should work actively to combat the creation of no-go areas defined by perpetrators.

1.2.7 Effective and inclusive tenant participation structures and practices can contribute to the effective tackling of racial harassment.

1.3 Encouraging reporting and monitoring

1.3.1 Social landlords should implement the Home Office code of practice on the reporting and recording of racist incidents. This includes social landlords in areas where the population of black and minority ethnic residents is low and where they are more likely to be isolated.

1.3.2 Social landlords should help to develop and participate in local networks of third party reporting centres, using common reporting forms and contributing to a central database of racist incidents.

1.3.3 Social landlords should develop and implement a protocol for sharing information about racist incidents and perpetrators with other local agencies bearing in mind the requirements imposed by the Data Protection legislation.

Social landlords should set a target to increase the number of racist incidents reported.

1.3.4 Social landlords should consider using police and community organisations to train housing management staff in taking reports.

1.3.5 Social landlords should collate reports of incidents regularly and report to the relevant committee or board at least every six months.

1.3.6 Social landlords should set performance indicators for dealing with racial harassment effectively.

1.3.7 Social landlords should recognise that people are unlikely to report racist incidents unless they believe that the landlord is competent to tackle racist behaviour effectively and is committed to using its authorities and resources to do so.

1.4 Supporting victims and witnesses

1.4.1 Social landlords should refer victims of racial harassment to effective and sensitive counselling services and should use Without Notice Injunctions to protect victims and witnesses in every situation where threats of violence are made against them by identifiable perpetrators.

1.4.2 Social landlords should arrange safe, good quality temporary housing for victims and witnesses of racial harassment if they fear for their immediate safety. A permanent transfer should be offered if there is no prospect of a safe return.

1.4.3 Social landlords should provide effective support for witnesses and work with other organisations to ensure their safety.

1.4.4 Social landlords should arrange access to telephone and face to face interpreters for local community languages when necessary.

1.4.5 Social landlords should train housing management staff in understanding victims' perceptions and meeting the support needs of victims and witnesses.

1.4.6 Social landlords should ensure that staff are aware of the relevant provisions of the Human Rights Act 1998.

1.4.7 Social landlords should develop quality assurance methods to assess victims' satisfaction.

1.5 Action against perpetrators

1.5.1 Social landlords should be aware of the value of early intervention and consider using the full range of civil legal remedies against perpetrators, including injunctions, anti-social behaviour orders, parenting orders and child curfew orders, as well as possession proceedings, when dealing with racial harassment.

1.5.2 Housing management staff need to be aware of the potential for criminal action in cases involving racially aggravated offences, intentional harassment and incitement to racial hatred.

1.5.3 Social landlords should work closely with the police on the collection of intelligence and evidence, and in pursuing prosecutions for racially aggravated offences.

1.5.4 Housing management staff should be trained in mediating and taking effective civil and criminal action against perpetrators of racial harassment.

1.5.5 Housing management staff should be aware of the role of the courts and the value of case conferences with Counsel early on and facilitating meetings between Counsel and victims and witnesses.

Section 2

Multi-agency working

2.1 Social landlords should adopt the definition of racist incidents recommended in the Stephen Lawrence Inquiry

2.1.1 The Stephen Lawrence Inquiry recommended that a common definition of a racist incident should be used by all police forces, local councils 'and other relevant agencies' (Macpherson, 1999, Recommendation 12). The definition states that

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

2.1.2 All local authorities and Registered Social Landlords should adopt this definition in their policies, procedures and practices for tackling racial harassment. All front-line staff and managers need to clearly understand its implications for recording and investigating allegations of racial harassment.

2.1.3 Using this definition of a racist incident during an investigation does not prejudice the perpetrator's intention (Home Office Code of Practice on reporting and recording racist incidents, 2000, para 2.4). After thorough investigation of an incident it may be clear that the harassment is not racially motivated. But using a victim-centred definition for report taking and investigation ensures that any racial motivation is fully considered while the incident is investigated.

2.2 Social landlords should join and participate in their local multi-agency forum on tackling and stopping racist behaviour

2.2.1 Multi-agency forums have been established in many local authority areas to co-ordinate action on racial harassment between local organisations. A typical forum will monitor racist incident trends in the borough, establish achievable action plans and time-scales for partner services, co-ordinate publicity and outreach work, and develop strategic responses to local issues. In addition, many forums also have casework panels to facilitate joint working and the sharing of information and good practice between practitioners on individual cases. Working in a multi-agency context has many advantages, and for social landlords it enables them to attain the levels of commitment and competence to be achieved which call for a level of investment that will be unrealistic for many and stretch the resources of others. The police and key local authority departments are almost always represented on their local multi-agency forum. It is important that forums work closely with or as part of, Crime and Disorder partnerships to co-ordinate responses and avoid duplication of effort. The local Racial Equality Council, the Victim Support scheme and local community associations are also likely to be represented, as well as advice centres and other agencies which have an advocacy or support role. If there is a specialist agency dealing with racial harassment in the area, they are also likely to be active members of the multi-agency forum.

2.2.2 Where a local multi-agency forum exists, social landlords with a substantial housing stock in the area should consider joining the forum and sending a representative to forum meetings. They will be able to draw on the expertise and experience of the other members, as well as contributing their own knowledge of their estates and their tenants to the forum's work.

2.2.3 Local authority housing departments need to send their own representatives to the local multi-agency forum, rather than rely on participation by other council departments.

2.2.4 Because the multi-agency forums are usually linked to a single borough or county, RSLs with stock in several boroughs should consider joining multi-agency forums in areas where they have a substantial amount of stock. Representatives to the multi-agency forum should be drawn from staff in the nearest local office. In areas where an RSL only has a small stock they should still know details of the local multi-agency forum and keep up-to-date with its work.

2.2.5 Multi-agency working is not a panacea. Many forums have limited resources, and social landlords need to be aware that other partners may have different approaches and views of the problem. But social landlords that do participate will develop better contacts with other local organisations in the borough. Even those who consider they do not have a current problem with racial harassment should make sure that they develop these links before problems arise.

2.2.6 Details of the local multi-agency forum will be available from the local authority's Crime and Disorder Manager, or from the local police's Head of Community Relations. For many boroughs details of the local multi-agency forum and its work are also available online at the RaceActionNet website, www.raceactionnet.co.uk

2.2.7 Social landlords operating in a borough without a multi-agency forum may wish to explore the potential for setting up such a forum with other local organisations. Guidance on developing a multi-agency response is available from the Home Office (1996).

At their best, forums can respond quickly when a multi-agency response is required. For example, after a racist firebombing in 1999 the multi-agency case group in Glasgow was able to meet within hours to organise a co-ordinated plan of action to re-house and protect the victims and to investigate the attack.

Milton Keynes Anti-Racial Harassment Group partners include the police, several council departments (including the housing department), local housing associations, the Housing Aid Centre, the probation service, Victim Support, the Racial Equality Council, and the Citizens Advice Bureau. Monthly policy meetings co-ordinate publicity and prevention work. A separate case group monitors 'live' cases using depersonalised data. Staff from the Racial Equality Council provide administrative support for the Group.

www.raceactionnet.co.uk

2.3 Social landlords should ensure that front line staff are aware of local agencies and services supporting victims of racial harassment

2.3.1 Housing management staff should have information about other local agencies that can support the victim or investigate the harassment. In particular, local housing offices need to know who to contact at:

- the local police station - as well as local beat managers, most police areas have specialist officers to deal with racial harassment and other hate crimes;
- the local Victim Support scheme, which can offer counselling and befriending services to victims;
- the local Racial Equality Council - some RECs have specialist racial harassment officers;
- other council departments, especially education and social services;

- other voluntary agencies where applicable, for example, specialist social landlords if they exist locally, the CAB and the Law centre.

Section 3

Prevention and publicity

3.1 Social landlords should have a clause in their tenancy agreements which specifically prohibits racial harassment

3.1.1 Social landlords should include a specific clause in all tenancy agreements stating clearly that racial harassment breaches the conditions of the tenancy and may lead to action to take possession of the property. The clause may also include other forms of hate crime, neighbour nuisance and anti-social behaviour, but it should make explicit reference to racial harassment.

3.1.2 A specific clause covering racial harassment gives social landlords the option of possession under Ground 1 of the 1985 Housing Act or Ground 12 of the 1988 Housing Act, on the ground that the tenant has breached the terms of the tenancy. The "Nuisance" ground (14 for assured tenants, 2 for secure tenants), as amended by the Housing Act 1996, is also likely to be available. In addition, social landlords who apply for an injunction will usually do so on the basis that the tenant has breached their tenancy agreement.

3.1.3 The types of behaviour covered by the clause should be clearly stated. For example verbal abuse should be mentioned, as well as physical violence and threats (Hunter & Bretherton, 1998, p 50).

3.1.4 New tenants should be alerted to the clause in the tenancy agreement and the landlord's policy on tackling racial harassment. Warning letters sent to an individual tenant, or general warning letters to all tenants should refer to the clause. Their attention should be drawn to the possibility that they may lose their home if they are identified as a perpetrator of racial harassment.

Ipswich Borough Homes' tenancy agreement states that "You and [your household and visitors] must not do anything which could harass others on the grounds of race, colour, nationality, ethnic origin, sex, sexual orientation, religious or political belief, age or disability, or interfere with neighbours, other occupiers in the neighbourhood, anybody visiting the area or to the landlord".

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3.2 Social landlords should map racist incidents to detect trends and "hot spots"

3.2.1 Mapping incidents can help social landlords to identify areas where systematic or repeat harassment is occurring at an early stage. Since harassment can be very localised, the scale used in the mapping should be large enough to indicate whether harassment is concentrated on a part of a particular block or road. A multi-agency forum approach is particularly valuable in carrying out effective mapping exercises.

In Hillingdon, the Hillingdon REC spoke highly of the work they had been able to do with the Housing department in dealing with problems in West Drayton.

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3.2.2 The value of mapping will be increased if the social landlord's own reports are combined with those from other agencies, such as the police and other multi-agency partners and third party

reporting centres, particularly where the multi-agency partnership is working with, or is part of the local crime and disorder partnership.

Bradford and Northern Housing Association's 'Project Solo' in Cleveland concentrates surveillance, including the use of mobile CCTV cameras, on crime 'hot spots'. As well as racial harassment, the scheme has also been used to collect evidence for other crimes and breaches of tenancy (Housing Corporation, 2000, p 7). Funding has been obtained from Redcar & Cleveland Borough Council, local Single Regeneration Budget (SRB) schemes and an Innovation and Good Practice Grant.

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3.3 Social landlords should use 'target-hardening' measures to protect vulnerable tenants in their homes

3.3.1 Social landlords can help to protect victims and vulnerable households through a range of security improvements to the property and the immediate surroundings. Measures should ideally be as unobtrusive as possible to avoid attracting further attention to the target. Measures to increase the physical security of tenants' homes include:

- better street lighting to deter perpetrators and to make identification easier;
- strengthened door and window frames, stronger locks, laminated glass in windows and the use of other security devices to the "Secured by Design" standard;
- fences and other barriers around the property;
- panic buttons or personal alarm units linked to a 24-hour centre, such as a community care alarm scheme or concierge service.

3.3.2 Social landlords might also consider providing mobile telephones (which can be limited to 999 emergency calls), but should take into account any potential language problems. This could be introduced as an experimental pilot project in order to monitor the value and cost effectiveness.

3.3.3 Social landlords should consult local police crime prevention officers for advice, including an assessment of home security, where there is a risk of harassment in or near the tenant's home. Visible policing can deter perpetrators, and landlords should consider both the use of neighbourhood wardens and requesting extra police patrols in areas where persistent incidents are occurring.

3.3.4 Where there is a risk of arson social landlords should install fireproof letterboxes, fireproof mats and fire extinguishers. Such properties may also need additional or re-sited fire and smoke alarms.

3.3.5 If harassment is already occurring, 'mobile' (temporary) CCTV and low-light 'pin hole' cameras can collect valuable evidence. In addition, the overt use of cameras around the property may have a deterrent effect.

London Borough of Barnet's housing department offers a 'perimeter protection service' that includes spy-holes, strengthened hinges and fireproof letterboxes. Other improvements have also been carried out, including new fencing, block lighting and upgrading locks.

The London Borough of Croydon supplies lockable parking posts for tenants. Experience has

shown that an argument between neighbours over something reasonably trivial such as parking spaces can escalate into racial harassment. The council also upgrades doors, locks and letterboxes in appropriate cases.

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3.4 Social landlords should display posters and leaflets prominently to deter perpetrators and to provide victims with information, and confidence, to report racial incidents

3.4.1 Prominently displayed posters and leaflets in estate or local offices, community centres and other public places such as GPs' surgeries, libraries and places of worship give victims information about where to report incidents and what support is available. In addition, they can send a message to victims, perpetrators and other tenants that the social landlord takes the problem of racial harassment seriously.

3.4.2 Social landlords should also produce a leaflet or information pack for victims, which as a minimum should:

- give victims information on the reporting procedure;
- explain what will happen during the investigation of the incident;
- give details of the physical and emotional support that can be provided by the social landlord and other organisations, including home security devices and the re-housing policy;
- give practical advice on personal and home safety to victims;
- list contacts for other local agencies; and
- explain the victim's rights, including the social landlord's complaints procedure.

3.4.3 Information for victims should be provided as specialist leaflet or pack. It is not sufficient to merely insert a short section in a general leaflet covering all kinds of anti-social behaviour.

3.4.4 Literature to support victims should be translated into all the main community languages spoken by tenants locally.

3.4.5 Posters and victim support packs may already be available from the local multi-agency forum, although social landlords may still need to produce literature for their own tenants describing their policy for dealing with racist incidents.

3.4.6 Contact details for other local agencies, including Victim Support and the Racial Equality Council can be obtained from the council's Community Safety Manager (in England and Wales) or the local police. Alternatively, local contact details are available on the following websites:

- Victim Support schemes are listed at www.victimsupport.com/national
- contact details for RECs are at www.cre.gov.uk/about/recs

Ipswich housing department produces a support pack, including a service agreement setting out the action the department will take, and leaflets on racial harassment and local reporting centres. The leaflet on racial harassment describes;

- the department's policy on racial harassment;
- the types of support it can offer tenants;
- telephone numbers for council staff, including the department's Emergency Services Centre number for out-of hours assistance, and external agencies;
- the name and contact details for the manager who deals with complaints. The leaflet is available in the main local community languages and English.

www.raceactionnet.co.uk

3.5 Social landlords should work with the police and other local agencies on outreach work with schools and youth groups

3.5.1 Social landlords should make sure that tenants are fully aware that they may be evicted if their children persistently harass neighbours, and that the local authority may treat them as intentionally homeless, in which case they will not be rehoused. Housing management staff should be aware of the options to use ASBOs, parenting orders and curfews and should also be prepared to refer parents of child perpetrators to specialist agencies for support and assistance.

3.5.2 On estates or in areas where children or young people are carrying out harassment social landlords should work with other local agencies, especially schools, youth clubs and the local police, to develop a co-ordinated response to the problem.

3.5.3 Perpetrators' racist attitudes are often reinforced by tacit support from their families and friends. Effective prevention may require work with parents as well as the young perpetrators, since parents may be sheltering or even encouraging their children.

On the Patmore estate in Wandsworth the level of racial harassment fell significantly after the establishment of a youth club and work by a detached youth worker.

Walsall council housing staff contact schools when dealing with racial harassment cases involving children. The housing department works with the education department and has organised joint training with them, and will carry out joint working with school staff.

In Lewisham the housing and education departments have organised joint training on racial harassment.

Also in Lewisham an anti-graffiti session was run in a local primary school which proved very successful in eliminating 'street art'.

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3.6 Lettings and transfer policies should assist in minimising the risk of further racial harassment

3.6.1 Social landlords should always take any history of racial harassment into account when letting properties to black and minority ethnic applicants or offering transfers. Applicants should also be informed of any previous harassment in the area, and be offered a package of support if the offer is accepted.

3.6.2 Councils should consider the use of introductory tenancies to give them greater power over new tenants who may be potential perpetrators of racial harassment.

3.6.3 Consideration should be given to initiatives that foster community spirit and/or encourage black and minority ethnic tenants to support each other and reduce the risk of harassment.

In Birmingham the Birmingham Partnership Against Racial Harassment (BPARH) facilitates self-help groups for victims.

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The London Borough of Merton is developing a risk assessment scheme for new black and minority ethnic tenants on three estates to identify those tenants at particular risk of racial harassment. Applicants offered council housing are scored on a series of variables that have been found to correlate with racist victimisation, including any previous history of victimisation of the new tenant, any previous history of racial harassment at the property, and the presence of known perpetrators near the property.

Local police contact households assessed as at risk every week to check whether there have been any problems, and can also arrange for them to have a pendant alarm linked to the Council's 24-hour Careline centre.

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Section 4

Encouraging reporting

4.1 Social landlords should implement the Home Office code of practice on the reporting and recording of racist incidents

4.1.1 The Home Office introduced its Code of Practice on Reporting and Recording in April 2000. A copy is available on the Home Office website at www.homeoffice.gov.uk. Features of the Code include:

- Advice on report taking by organisations, including first contact with victims and examples on recording racist incidents.
- A checklist on the minimum standard of information needed for reports to a multi-agency forum.
- Guidance on multi-agency monitoring of incidents.
- Advice on the sharing of information with other agencies, and social landlords' responsibilities under the 1998 Data Protection Act.

4.1.2 All social landlords should have reporting procedures that are congruent with the Home Office Code. Procedures should be amended where necessary to comply with Home Office advice.

4.2 Social landlords should help to develop and participate in local networks of third party reporting centres, using common reporting forms and contributing to a central database of incidents

4.2.1 Many victims may be more willing to report incidents to people at RECs, community associations, places of worship and GPs' surgeries than to their landlord. Such third party reporting centres were recommended in the Stephen Lawrence Inquiry Report and can play an important part in the monitoring of racist incidents.

4.2.2 Housing offices can act as reporting centres for the local police, as suggested in the Home Office Code of Practice. But housing management staff must always ask for the victim's consent before information about incidents, the identities of victims and the identities of perpetrators is passed to other organisations. If the victim refuses permission to report the details to the police (or any other organisation), only anonymous reports containing no information that might identify the victim and their household can be passed on, and only for monitoring purposes.

4.2.3 Social landlords should accept reports of harassment of their tenants from other reporting centres, including community associations, advice centres, Victim Support, the local Racial Equality Council and residents groups, as well as from the police. They should ensure that people taking reports in third party organisations are aware of the Stephen Lawrence Inquiry definition of a racist incident, and that they follow good practice on report taking. Social landlords should offer training to tenant representatives and other estate-based groups in using the Stephen Lawrence Inquiry definition and taking reports.

4.2.4 Common reporting forms that collect the same minimum information about incidents, victims and perpetrators in all reporting centres should be used. If necessary social landlords can collect additional information for their own housing management purposes, beyond the common data

required for the third party reporting arrangements. Where appropriate reporting forms should be produced in local languages and/or translation services made available in completing them.

4.2.5 Although third party reporting networks may not produce large numbers of reports of incidents, they can encourage reports from tenants who would not report incidents directly to the landlord or to the police. The potential use of third party reporting centres is increased if all local agencies can pass reports on, with the victim's consent, to other organisations in the network. Data from all sources can then be collated by one of the partners for monitoring and mapping purposes. A number of multi-agency forums have developed such reporting networks, and social landlords should always participate where they exist.

A network of local reporting agencies has been established throughout Bristol, including community centres, cultural associations and libraries. Particular care has been taken to include places where community languages are spoken. Police provide training on report taking to staff and community members.

In Milton Keynes reports can be made to the Victim Support scheme, the Citizens Advice Bureaux, the Housing Aid Centre, Women's Aid the Bangladeshi Community House and a health centre.

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4.3 Social landlords should implement a protocol for sharing information about incidents and perpetrators with other local agencies, which would be linked to a wider protocol developed by the crime and disorder partnership.

4.3.1 Housing management staff need to be aware of the importance of confidentiality and data protection in multi-agency working and the sharing of information between agencies. S. 115 of the Crime and Disorder Act 1998 makes it lawful for organisations engaged in multi-agency working to exchange information as part of a strategy to reduce crime and disorder. In addition the police have common law powers to disclose information to anyone for the prevention and detection of crime. To ensure that these powers are used appropriately, all exchange of information with other agencies should take place through a designated officer familiar with the implications of the legislation.

4.3.2 Personal details on a victim or witness should never be given to another agency without their written consent. However, it may be possible to supply anonymous data in such cases, providing no information is exchanged that might be used to identify them.

4.3.3 Members of multi-agency forums should draw up protocols for the exchange of information.

Waltham Forest police have developed a protocol for exchanging information with 15 housing associations and the council's housing department. This allows exchanging confidential information between named officials (e.g. access to criminal files on tenants, case information, and warnings about potential troublemakers who have moved to an estate).

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4.4 Social landlords should set a target to increase the number of racist incidents reported

4.4.1 Research (e.g. Chahal, 1999) shows that many tenants experiencing racial harassment in their homes do not report incidents to their landlord. Where cases are reported these are often made after

months of harassment and abuse. According to the British Crime Survey (Mirrlees-Black et al, 1996) up to 70 per cent of racist incidents are not reported.

4.4.2 Rising numbers of reports should not automatically be seen as an indication that the level of harassment is getting worse (although landlords should of course investigate sudden rises in the number of reports, especially where these are concentrated in localised 'hot spots').

A rise in reports may reflect greater confidence by tenants that something will be done. Social landlords should be actively seeking to increase the number of reports they receive from tenants.

4.4.3 Social landlords should ensure that a climate is created which ensures that all incidents are reported and use the number of incidents reported as a performance indicator, setting targets to increase the number of reports received each year. For a typical social landlord a target to increase reports by 25% over the next year would normally be realistic and a useful first step. Over time this should be refined by more sophisticated measures such as setting performance indicators.

Increasing the number of reports is only part of an effective strategy to tackle racial harassment, and landlords need to make sure that resources are in place to deal effectively with the increase in reports. Separate performance indicators showing the outcome of cases and the action taken should also be collected.

4.5 Social landlords should consider the use of police and community organisations to train housing management staff in taking reports

4.5.1 Social landlords should be aware that other organisations might be able to offer specialist training which can complement in-house training. These resources should be drawn on in staff training programmes. Racial Equality Councils, Victim Support schemes and community associations can often provide training on victim perceptions and local cultural diversity, including in some cases trainers who have themselves experienced harassment.

4.5.2 Trainers from the local police may be able to deliver training on requirements before taking criminal action, investigation and the collection of evidence and multi-agency working. Equally, police may be able to learn from the experiences of social landlords.

4.6 Social landlords should collate reports of incidents regularly and report to the relevant committee or board at least every six months

4.6.1 As well as contributing to central databases for racist incidents reported locally, social landlords should also monitor the number of incidents reported to them, action taken to support victims, action taken against perpetrators and victim satisfaction with action taken. A digest of this information should be reported to the relevant committee or board at least every six months. Boards and committees will also want to know whether performance indicators have been met, any remedial action and proposed new initiatives.

4.7 Social landlords should set performance indicators for dealing with racial harassment effectively

4.7.1 Most of the standards set in this Code of Practice describe 'inputs' - action that should be taken by social landlords. Social landlords will want to be sure for their own management purposes as well as for regulatory purposes that the action they have taken has been effective. To that end, social landlords should set performance standards for themselves on increasing reporting, supporting victims, action against perpetrators and victim satisfaction. These performance indicators should be part of the information provided to regulators, as well as being part of internal performance management and auditing arrangements. Examples of other possible indicators would

be to include in tenant surveys a question about whether tenants feel that they, their households, and visitors are safe in their home and neighbourhood, breaking down responses by race age and sex.

Section 5

Supporting victims and witnesses

5.1 Social landlords should ensure that victims of harassment receive effective and sensitive counselling services, which may include referral to other agencies

5.1.1 The impact of racial harassment on the victims is often intense. The stress of persistent harassment can produce conflict between spouses, prevent friends and relatives from visiting the family, deny children the chance to play outside the home and damage the physical and emotional health of all members of the household.

5.1.2 Staff dealing with racial harassment cases need to be aware of the impact on victims. They should also appreciate that the first report may only be made after weeks or months of persistent harassment. All frontline staff, including receptionists and caretakers, need to be aware of the range of support available for victims of racial harassment in their area.

5.1.3 Housing management staff should always be sympathetic and supportive, but it is not part of their job to provide counselling. The most effective thing they can do for the victim is to take prompt and effective action to end the harassment.

5.1.4 Staff should always consider referring traumatised victims to a counsellor. As an absolute minimum, social landlords should refer these victims to the local Victim Support scheme, a local community group or the tenants' own GP. Where specialised counselling services exist, social landlords should consider referring to them; especially services that have experience in counselling victims of hate crimes.

For example, several members of London Borough of Hackney's domestic violence and racial harassment team are trained counsellors who can provide a full programme of counselling to victims.

ASRA Housing Association and The Monitoring Group have received funding for a centre for victims of racial harassment.

The centre includes:

- a refuge for victims of racial harassment, which will provide temporary accommodation and support for a period of six months;
- an advice centre provided from 9 am to 7 pm on weekdays and open to the general public;
- a training centre providing up-to-date information on racial harassment and human rights issues;
- a dedicated 24-hour freephone advice and support service for victims of racial harassment; and a respite centre providing victims with a range of 'health'-related support services (i.e. therapy, counselling, psychological and clinical needs assessments) to alleviate stress and anxiety.

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5.1.5 Managers should be aware that staff may find investigating racial harassment upsetting and stressful, and ensure that they are properly supported by their supervisors.

5.2 Social landlords should arrange safe, good quality temporary housing for victims where they fear for their immediate safety, and a permanent transfer if there is no prospect of a safe return

5.2.1 Many social landlords believe that transferring victims of racial harassment sends a message to perpetrators that they can drive black and minority ethnic tenants out of 'white' parts of an estate. But this approach runs the risk of exposing tenants to persistent harassment and physical danger. Social landlords should always treat the tenant's safety as paramount. To leave vulnerable households in properties where they are exposed to the risk of repeat victimisation is not acceptable. Social landlords should offer a management transfer or temporary re-housing to tenants who have been victims of persistent racial harassment and who request it, unless they can be absolutely certain that no further harassment will occur. This should be done in addition to identifying and taking action against perpetrators. The provision of temporary accommodation is an area where social landlords could usefully co-operate.

The Waltham Forest Witness Support Pack is a structured methodology for managing and relocating vulnerable and intimidated witnesses. The witnesses may be giving evidence in either civil or criminal cases. It is aimed at professionals working in community safety. It is designed for fast-tracking witnesses to safe re-locations and fast-tracking delivery of support services.

Fast-tracking vulnerable and intimidated witnesses continues to develop with the support of social landlords and other agencies operating in Waltham Forest. National agencies are also taking the project forward.

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Redbridge housing department keeps two "safe houses" from its stock of voids to provide temporary re-housing for victims of harassment, domestic violence and emergencies such as fires. The properties are rotated regularly to prevent the addresses becoming public knowledge.

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5.3 Social landlords should provide effective support for witnesses, and work with other organisations to ensure their safety

5.3.1 Witnesses at risk of intimidation or reprisals should be considered eligible for the same types of support and protection as victims themselves. As a minimum, witnesses in racial harassment cases who fear for their safety should be offered:

- "target-hardening" of their home and the immediate environment;
- panic alarms or mobile phones;
- installation of CCTV, pinhole cameras, and other equipment to collect evidence of any harassment;
- temporary or permanent re-housing;
- referral to counselling and other support services.

5.3.2 As well as possession action against tenants who intimidate witnesses, social landlords should consider the use of injunctions or Anti-Social Behaviour Orders (ASBOs). ASBOs can be used to exclude non-tenants from entire estates or place limit on access and behaviour by the harassers. (see para 6.1.3, p 27)

5.3.3 If the witness agrees, the police should be contacted where there is a fear of serious intimidation. Witness intimidation in criminal justice cases is an arrestable offence (S.51, Criminal Justice and Public Order Act 1994), as is harassment and stalking without violence (e.g. S.2, Protection from Harassment Act 1997). Local police also run witness protection schemes.

5.3.4 Both victims and witnesses should be given the name of a member of housing management staff whom they will be able to contact throughout the investigation for up-to-date information and support. Where there is a problem with widespread intimidation or fear among witnesses, social landlords may consider using professional witnesses. Social landlords have reported mixed results using this approach, and several have pointed out that good briefing and supervision of professional witnesses is essential (Lemos, 2000).

Waltham Forest Housing Association has piloted a witness mobility scheme with the local council. This allows fast track transfers plus support packages for both witnesses and victims. Seven local RSLs and the local authority took part in the pilot scheme, and a local anti-harassment organisation, Alert, plans to develop a befriending scheme to support households at fear of intimidation (Housing Corporation, 2000, p.11).

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5.4 Social landlords should arrange access to telephone and face to face interpreters for local community languages

5.4.1 Housing management staff should interview victims, witnesses and perpetrators quickly. Following serious incidents interviews should take place within 48 hours. Translation and interpretation arrangements need to be in place to ensure that language barriers do not prevent prompt action based on a clear understanding of the facts.

5.4.2 Social landlords should not expect friends and relatives to interpret for tenants in racial harassment cases, and they should never rely on young children to interpret in such traumatic situations. Social landlords should always offer an interpreter where language barriers exist. In-house staff who speak the appropriate language can be used, although they should ideally have some training in interviewing victims of racial harassment and must be aware of the need to keep all details of the case confidential. But social landlords must also consider how they will ensure a quick response to reports from people who speak languages which staff cannot interpret, e.g. for example, recently arrived refugee groups.

5.4.3 One solution is to subscribe to a telephone translation service, which can provide simultaneous interpretation through a three-way telephone call. Another option is to use local community interpreters and advocacy groups. Where professional interpreters are used, they should always be people on the National Register of Public Service Interpreters (details of the Register are available from the Institute of Linguists, tel: 020 7940 3100).

5.5 Social landlords need to train staff in understanding victims' perceptions and the support needs of victims

5.5.1 Housing management staff need training to give them the knowledge and confidence to investigate racist incidents effectively and to take appropriate action. Frontline staff need to be trained on the social landlord's policies, procedures and practices and the recognition and recording of racial harassment. But staff who deal with the investigation of cases of harassment also need an awareness of the impact on the victim and the context in which racial harassment takes place.

5.5.2 Equal opportunities training is not sufficient to prepare housing management staff to deal sensitively with racial harassment cases. Additional training should cover:

- Victims' perception work to help staff understand how racist victimisation affects households and the emotional and social impact on victims;
- awareness of local cultural diversity;
- interviewing skills to give staff the confidence to interview alleged perpetrators as well as victims and witnesses;
- civil and criminal legal remedies;
- practical and emotional support for victims;
- procedures for working with other agencies.

5.6 Social landlords should ensure that staff are aware of the implications of the Human Rights Act 1998

5.6.1 Staff responsible for investigation of racial harassment cases need to be aware that under the Human Rights Act 1998:

- failure by the social landlord to protect tenants suffering racial harassment may reinforce breaches of their human rights, particularly the right to security of the person (Article 5) and to home and family life (Article 8).
- Most of the rights covered by the Human Rights Act are conditional, and perpetrators' rights under the Act need to be weighed against the victim's rights and public safety. For example, if a perpetrator argues that possession action breaches their right to live in their home (Article 8), the social landlord will need to show that the circumstances in Article 8(2) apply.
- Although the Human Rights Act has implications for the collection of evidence (e.g. the right to privacy in Article 8), this may be over-ridden in harassment cases by 'public interest' considerations.
- For further information on the Human Rights Act 1998 go to: www.raceactionnet.co.uk

5.7 Social landlords should develop quality assurance methods to assess victims' satisfaction

5.7.1 Social landlords need to develop mechanisms to ensure that victims are satisfied with the outcome of the action they take. For example, follow-up contact after action can be used to ask for ways in which the social landlords could have improved its response, as well as checking that there

has been no further harassment. Evaluation questionnaires as well as follow-up interviews can be useful tools.

Section 6

Action against perpetrators

6.1 Social landlords should consider the full range of civil legal remedies against perpetrators, including injunctions, Anti-social Behaviour Orders, parenting orders and child curfew orders, as well as possession proceedings

6.1.1 Though orders might take time to get, possession action in racial harassment cases can be effective, since even a suspended order can end the harassment. But social landlords should also be aware of the other civil options available in such cases, which may be able to provide much quicker remedies. These options are not mutually exclusive, and in many cases social landlords should consider using more than one legal remedy and in some instances, mediation may prove an early and effective remedy.

North British Housing Association's Bradford office has successfully used do-it-yourself possession actions following concern at the cautious attitude of solicitors. The first action was against a tenant whose children were abusive towards black and Asian children living on the estate. The housing manager presented the case in court and obtained a possession order, after which the harassment ended.

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6.1.2 Injunctions continue to be underused by social landlords (Hunter et al, 2000), and should be considered in all cases where threats of violence have been made. They can be obtained quickly; affidavits can be used and S.153 of the 1996 Housing Act makes provision for attaching powers of arrest to an injunction. Social landlords applying for an injunction will need to show a "cause of action", e.g. a breach of the tenancy agreement or damage to the property.

6.1.3 Anti-social Behaviour Orders (ASBOs) are also currently under-used in racial harassment cases. They are flexible; they can be area-based (e.g. they could restrict access to or behaviour on an entire estate or even throughout a borough) and they can be used against non-tenants and children aged 10 and over. Only local authorities and the police can apply for an ASBO, but RSLs can work with multi-agency forums and local steering groups for implementing ASBOs to make use of their powers. Also, mechanisms could be set up, through multi-agency working, for social landlords to ask the local authority and the police to act in cases where such an order is needed. The Home Office provides useful Guidance on drawing up local ASBO protocols.

6.1.4 As well as ASBOs, the 1998 Crime and Disorder Act also introduced similar orders, including parenting orders, which may be considered when dealing with harassment by child perpetrators.

6.2 Housing management staff need to be aware of the potential for criminal action in cases involving racially aggravated offences, intentional harassment and racist hatred

6.2.1 In many racial harassment cases criminal remedies will be an option. These include cases where the following forms of harassment have taken place:

- assault or criminal damage to property;
- witness intimidation;

- the use of threatening words or behaviour;
- repeated harassment;
- sending grossly offensive or threatening letters;
- nuisance phone calls.

6.2.2 Social landlords must not refer details to the police without the victim's permission.

6.3 Social landlords should work closely with the police on the collection of intelligence and evidence, and in pursuing prosecutions for racially aggravated offences

6.3.1 Good practice includes the sharing of information (with the victim's permission) and carrying out joint interviews. Police and housing officers should also work together on the preparation of evidence for court hearings.

6.3.2 Good intelligence about racist incidents, both past and potential, is essential to the local police, as well as social landlords. Where tenants refuse permission to refer an incident on to the police, it is still acceptable to pass on anonymous information about the incident to the police or multi-agency forum, provided the report contains no information which could identify the victim or other members of their households.

In Barking & Dagenham a uniformed police officer attends interviews with alleged perpetrators. The police officer does not take part in the interview, but the housing department believes that the presence of the police at interviews with tenants indicates the seriousness given to the allegation of racial harassment and can deter further harassment (Argent et al, 2000, p 46)

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The Innovative Practice examples (shown in italics in the Code) have been taken from the website www.raceactionnet.co.uk unless otherwise credited.

Further Information

Further copies of this summary are available from:

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