

# **SOUTH GLOUCESTERSHIRE COUNCIL**

## **FRAMEWORK FOR DEALING WITH RACIST INCIDENTS**

### **1. PURPOSE**

To establish a framework enabling South Gloucestershire Council to develop a consistent and comprehensive approach to effectively deal with racist incidents.

### **2. CONTEXT**

2.1.1 Changes transpiring at the national level as a result of the Stephen Lawrence Inquiry report have prompted a review of South Gloucestershire Council's approach to racist incidents. This document sets out a framework for strengthening our policies, procedures and practices in accordance with these changes and Government guidance.

2.1.2 Following the Stephen Lawrence Inquiry report and in response to recommendations, outlining effective ways of dealing with racist incidents. This Code of Practice recommends consistency, partnership working and clarity in policy and procedures to deal with racist incidents.

2.1.3 Moreover monitoring and systems within this framework reflect the requirement for Local Authorities to report against Best Value Performance Indicators on number of racial incidents (174) and the percentage of racial incidents that resulted in further action taken (175), which came into effect from April 2000.

2.1.4 Principles of racial equality to be applied to reporting and responding to racist incidents reported within employment, and community (service delivery) context are set out for consistency.

### **3 INTRODUCTION**

3.1.1 From 1997 onwards South Gloucestershire Council's Equalities Policy expresses commitment to the advancement of racial equality. The Council's Non-Harassment Procedure sets out steps for dealing with staff related incidents. This document supplements the Non-Harassment Procedure and provides guidance on racial harassment and discrimination.

3.1.2 The Council continues to work in partnership with agencies on the Partnership Against Racial Harassment and is a key player in tackling racial harassment and violence through multi-agency arrangements.

- 3.1.3 This framework informs the Council's existing relevant policies, procedures and practices to take action against racial harassment, violence, and discrimination. Specific information is provided to enable effective action to be taken.
- 3.1.4 Awareness raising and training staff to prevent and challenge racial harassment, discrimination and prejudice requires instigating, in order to assist with effective implementation of this policy,
- 3.1.5 We are required to adopt the Lawrence Inquiry definition of a racist incident and use this definition for reporting and recording incidents of racial discrimination and harassment – **“A racial incident is an incident which is perceived to be racist by the victim or any other person.”**
- 3.1.6 Monitoring the level of racist incidents should enable information to be gathered to inform BVPI on the numbers of racist incidents and to help the Council to assess how effectively we are promoting racial equality in our policies and processes.
- 3.1.7 A number of appendices are attached providing information on relevant legislation and background to enable staff to understand the context in which the Council is expected to carry out its duties.

#### 4. Aims

- (i) To provide information on the partnership context and approach for dealing with racist incidents.
- (ii) To ensure the consistent application of the definition of a racist incident across all activities of the Council.
- (iii) To ensure all procedures and channels used for addressing racist incidents are in accordance with BVPIs.
- (iv) To ensure that corporate monitoring systems are in place to respond to all racist incidents reported to the Council.
- (v) To advise staff on providing effective responses to racist incidents.
- (vi) To ensure that victims of racist incidents receive appropriate support from Council services.

#### 5. Principles of Racial Equality

- (i) It is proposed that the Council's approach to racist incidents must be in accordance with the Equalities Policy/Strategy which refers to:

*The promotion of racial equality and the opposition to all forms of racism.*

*Eliminating on-going discrimination and inequality.*

- (ii) The Council is required to ensure that employees dealing with racist incidents develop a common understanding of racism experienced by victims of racist incidents.

- (iii) Barriers prohibiting victims of racist incidents from receiving prompt and effective responses must be identified and resolved.
- (iv) That sensitive support is provided to victims based on an understanding of issues concerning respect and dignity.

## **6. SOUTH GLOUCESTERSHIRE PARTNERSHIP AGAINST RACIAL HARASSMENT (PARH)**

### **6.1 Statement**

Racist behaviour in the form of racial harassment and violence in the community will not be tolerated.

The South Gloucestershire Partnership Against Racial Harassment (PARH) is committed to combating and giving an effective response to all cases, by supporting victims.

#### **6.1.2 WHAT IS RACIAL HARASSMENT?**

Racial harassment can take many forms, which are crimes punishable by law: verbal abuse, nuisance phone calls or hate mail, graffiti, vandalism attacks on property, arson, bullying of children, physical assaults and violence. Incitement to racial hatred is also a crime. Racial discrimination is itself unlawful in many situations.

The victims are usually people from Black and Minority Ethnic (BME) groups: African Caribbean, South Asian and Chinese are most often the victims of racial crimes, although other ethnic minority groups, such as Travellers, East Europeans and Jewish people suffer too. White people are also victimised by racists, if their spouse or partner is from an ethnic minority community or because their children have a dual ethnic heritage.

The racist's aim is to intimidate, terrorise or physically injure people because of their colour, nationality, ethnic origin, religious belief or cultural background.

Racial harassment can force families out of their homes and children out of their schools. In most cases however the harassment takes the form of small persistent acts of nuisance, which can carry on for months or years making life miserable for the victim.

It only takes one or two malicious individuals in a neighbourhood to cause a great deal of nuisance and distress to local residents through racist graffiti or anonymous threats. Bullying in the school playground can have a racist motive, and so can disputes between neighbours. (This information was produced by PARH in a leaflet entitled "All Different, All Equal, Altogether Better, in 1998).

The Partnership consists of a host of stakeholders including the Police, Support Against Racist Incidents (SARI), the Health Service, Probation, the Crown Prosecution Service and South Gloucestershire Council.

### **6.1.3 THE STRUCTURE OF THE PARH**

Within PARH a structure has been set up to provide a co-ordinated and effective response to the development of work on racist incidents. This includes giving responses at the micro level to individual victims experiencing racism in the community and the co-ordination of multi-agency strategic work to formulate and review and inform policy development at the macro level.

This document outlines the Council's contribution to the inter-agency arrangements for dealing with racist incidents. We need to make sure that a comprehensive and consistent process is in place.

#### The Role of the Council

South Gloucestershire Council in its role as community leader is required to promote good relations between different racial groups and to promote racial equality (Race Relations Amendment Act 2000). Within this context it is important that the Council works in partnership with the other key agencies to provide a joint response to individual cases as and when necessary. We also need to develop a strategic framework that supports the promotion of racial equality.

As part of the partnership arrangements the Council's departments are represented on PARH. Departmental nominated officers from the Council and key decision-makers have responsibility for the work on racist incidents. Managers should make all staff in their departments aware of the nominated officers who have responsibility for work on racist incidents. Please see appendix A for information on contact details of nominated officers.

Appendix B provides details about the structure of PARH and consists of the following mechanisms.

#### PARH Policy Co-ordination

The main role of this mechanism is to oversee the performance of the partnership, make inter-agency decisions, and to ensure the development of policy and the allocation of resources. Key decision-makers and relevant officers from the various agencies meet on a quarterly basis.

#### Policy Sub-Group

This mechanism supports the Policy Co-ordination meeting, makes recommendations, and provides updates and reports on issues that the Policy Co-ordination mechanism needs to consider.

### Case Review Panel

The purpose of this mechanism is to co-ordinate and review individual cases of racist incidents. This Panel ensures that a multi-agency response is given to racist incidents and monitors progress on action concerning individual cases. The Case Review Panel meets on a bi-monthly basis and is attended by nominated officers, operational staff from the Council and representatives from the partner agencies.

### Training Sub-Group

This group has been set up to develop inter-agency training to address racist incidents. The aim is to assist agencies to develop best practice on the basis of a shared understanding of how best to provide support to victims.

### Case Conference

A case conference meeting is held to resolve difficult issues in a particular case and find a way forward. SARI the Police and a relevant nominated officer from the Council would probably attend a case conference.

### The Council's Structure

Racial harassment has historically been recognised as an issue linked to the broader agenda on racial equality. In recent years with the emergence of community safety strategies it has been agreed that in light of racist incidents being defined as criminal activity regular update reports on the work of PARH should be submitted to the Community Safety Partnership and the Council's Corporate Equalities Forum. This process reflects the overlapping and cross cutting nature of the work being conducted by the Council and its partners.

### The Role of SARI

SARI is a voluntary sector organisation commissioned by South Gloucestershire Council to provide support to victims experiencing racist incidents in the community. SARI represents a user-led perspective on the PARH. This organisation also works with agencies in a preventative capacity to promote a greater understanding of the effects of racism.

### The Role of the Police

The Police Service has a key role to play in responding to racist incidents in the community. The Lawrence Inquiry acknowledges such incidents as criminal offences. Thus the Police have responsibility for investigating racist incidents and establishing evidence in preparation for prosecutions.

## 7. DEFINITION OF A RACIST INCIDENT

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

There should be consistency in the application of this definition regardless of whether an incident is reported through employment or service delivery (community) routes. Any incidents reported as racist must be treated as such, regardless of the views of the participants. This definition enables the Council to take a victim centred approach to people experiencing racial harassment and includes. Racist incidents must be reported, recorded, and investigated with equal commitment. The Council is required to use this definition to capture information and draw out the racist element in situations. Low levels of racial harassment must also be recorded.

### 7.1 TYPES AND NATURE OF RACIST INCIDENTS

Bearing in mind that investigations will take full account of the possibility of a racist dimension within incidents, both explicit and covert racist behaviour must be dealt with in accordance with the definition of a racist incident. Because of the complexity of racist behaviour consideration must be given to both the motivation and the expression of behaviour that is potentially racist.

The following types of incidents provide examples of behaviour that is of a racist nature:-

- (a) Physical assault against a person or group because of their colour, race and/or ethnicity.
- (b) Derogatory name-calling, insults, racist jokes and language.
- (c) Racist graffiti – see procedure on graffiti.
- (d) Provocative behaviour such as wearing racist badges or insignia.
- (e) Displaying of racist material such as leaflets, and publications.
- (f) Verbal racist abuse and threats.
- (g) Incitement of others to behave in a racist manner.
- (h) Racist comments in the course of discussions.
- (i) Attempts to recruit people to racist organisations and groups.
- (j) Ridicule of an individual for cultural difference e.g. food, music, dress, lifestyle etc.
- (k) Refusal to co-operate with a person because of their ethnic origins.
- (l) Refusal to include a person because of their ethnicity.
- (m) Bullying
- (n) Racially motivated behaviour, which interferes with job performance, undermines job security, or creates a threatening/intimidating workplace environment.

## **8. EMPLOYMENT**

As an employer South Gloucestershire Council has produced a Non-Harassment Procedure (see appendix C) for staff. This framework expands on the Non-Harassment Procedure in light of stringent legislative and regulatory measures being rolled out to public sector bodies by the government on racist incidents.

As an employer the Council can be held liable for their own actions, or their employees, in relation to racial harassment of any kind. We could also be held liable for service users and suppliers where the employer can control whether an event happens or not.

All employees across the Council must be made aware of the Council's policy on dealing with racist incidents.

All racist incidents are to be treated seriously. Managers are responsible for seeking to prevent racist incidents from occurring.

Managers should intervene to stop racist incidents from occurring or escalating. Should any incident occur, managers should take immediate action to protect the victim.

Concerted effort should be taken to develop awareness and enable employees to recognise the nature of racist behaviour. The issue that requires consideration is the effect of racist behaviour on the victim. Often racist incidents are of a covert nature and therefore less easy to identify, nevertheless the effect is as damaging.

### **8.1 PROCEDURE FOR DEALING WITH RACIST INCIDENTS IN EMPLOYMENT**

It is important that procedures are widely promoted and implemented to pro-actively address racist incidents. An employee experiencing racial harassment has the right to make a complaint.

### **8.2 REPORTING EMPLOYMENT RACIST INCIDENTS**

A number of routes are available for reporting, seeking advice and support, to an employee experiencing or witnessing harassment. A racial incident could be reported to one of the following depending on the circumstances and the preference of the employee:

- Line manager
- Line managers manager
- Manager in another division/section
- Manager in another department
- Employees own Chief Officer
- Chief Officer in another department
- A nominee from the Black Workers Group

- Personnel
- Equalities Officer
- Trade Union representative
- An Elected Member
- Staff Counselling Service
- Occupational Health

### **8.3 RECORDING EMPLOYMENT RACIST INCIDENTS**

The nominated officer will be responsible for:

- a) Accurately recording details of the incident on the Racial Incident Monitoring form. All employees of the Council should adhere to the Law of Disclosure and ensure that they do not record their own views as information recorded could be used as evidence in a court of law.
- b) Informing Personnel that a racial incident has occurred via the Racial Incident Monitoring form appended at D.

### **8.4 RESPONDING TO EMPLOYEE RACIST INCIDENTS**

It is proposed that Personnel take responsibility for co-ordinating the next steps as set out below.

- a) Taking immediate action to provide support arrangements e.g. counselling and ensuring that the victim is protected from harm and further harassment in accordance with the wishes of the employee until the situation is resolved.
- b) Informing the employee's management of the situation and resolving any issues concerned with the lines of reporting with management and the employee.
- c) Ensuring there is an appropriate investigation and assessment of the situation by engaging with all relevant parties to agree a way forward.
- d) Ensuring all involved are kept informed of how the situation is progressing.
- e) Making arrangements for the provision of representation in order to raise concerns with the organisation on behalf of the employee.
- f) Acting in an advisory role to enable the employee to make informed choices by advising on:
  - Information
  - Procedures
  - Guidance
- g) Ensuring that action taken is documented, including all investigations, witness statements, contacts made, and final agreed outcomes to inform the BVPI on actions taken.

h) A violent racist incident will need to be recorded on the Health and Safety Section's Violent Incident Reporting Forum.

## **8.5 COURSE OF ACTION IN CONJUNCTION WITH EXISTING PROCEDURES**

A range of options are available in terms of pursuing a course of action, depending on who is involved, the nature of the incident and what the person experiencing harassment wants as an outcome. The procedures outlined below should be applied to the context of a racist incident.

Complaints Procedure – The definition of a Complaint includes that of harassment and discrimination. The Complaints Procedure is available if a member of public wishes to make a complaint against a member of staff for harassment. This procedure could be applied if a member of the community has been harassed in the community and is of the opinion that they have received a less than satisfactory Council service in response to the harassment.

It is advised that officers dealing with a complaint of a racist nature refer to the definition of a complaint to explore whether the Complaints Procedure should be applied as follows:

- Failure to respond to routine service request.
- Inadequate /unsatisfactory service.
- Failure to follow policies/rules/procedures.
- Undue delay in taking action.
- Discourteous/unhelpful staff.
- Discrimination/harassment.
- Inaccurate/misleading information.

### Bullying and Harassment Procedure

This procedure should be used in cases where an incident involves one employee of the Council complaining against another. The procedure contains both informal and formal routes for dealing with reported incidents.

Disciplinary Procedure – This procedure will be invoked when the complaint is of a serious nature and covers all employees except those based at Locally Managed Schools and Chief Officers. See Personnel Handbook. The process incorporates both an informal and a formal course of action. Again the direction taken will be dependent on the circumstances of an incident.

The Disciplinary Procedure would invoke sanctions if an investigation of gross misconduct is upheld. For example in the case of bullying an employee could receive a verbal or written warning, or the employee could be transferred. Instances of serious gross misconduct could result in the Council taking dismissal action.

Grievance Procedure – This procedure is designed to deal with grievances arising directly out of an employee's employment or some working practice of

the Council. For example if an employee makes a complaint and is unsatisfied with the Council's response the grievance route could be pursued. See Personnel Handbook.

Prevention of Violence at Work Policy – If a violent racist incident occurs it will also need to be recorded on the Health and Safety Section's Violent Incident Reporting Form.

Whistle Blowing Procedure – As mentioned previously if an employee witnesses an incident whereby another employee is acting in a racist manner, the incident may be reported via the Whistle Blowing Procedure. Reference is made to issues concerning 'fear of harassment or victimisation' and that of 'sexual, racial, physical, or other abuse of clients,' within this Procedure.

Racist Graffiti Procedure – see attached procedure for further information at appendix. The timescale for removal of graffiti is 24 hours.

## **8.6 CONDUCT OF ELECTED MEMBERS**

Elected members are required to comply with the guidance relating to their National Code of Local Government Conduct. This guidance makes reference to: 'Mutual respect between councillors and officers is essential to good local government.' This National Code is being reviewed and an updated version will be made available shortly. It is proposed that the guidance at the local level should be in accordance with this document so that members are made aware of the need for appropriate conduct towards BME employees and people from BME communities they have contact with as representatives of the Council.

## **8.7 THE ROLE OF MANAGEMENT**

Management as key drivers in the organisation are required to take full responsibility for ensuring that fair and equitable responses are given to racial incidents. Importantly, in the event of a racial incident it is recommended that any discussions concerning an incident involving a member of staff either as the complainant or the perpetrator should fully involve the appropriate management function.

## **8.8 THE ROLE OF PERSONNEL**

Personnel's role is to act in a pivotal position to co-ordinate the process where an employee is involved in a racist incident. Personnel can give advice, facilitate dialogue between the parties involved and ensure that Council policy and procedure is implemented concerning re-dress for racial incidents.

## **8.9 ROLE OF EMPLOYEES**

In the event of employees witnessing a racist incident the Council would expect the incident to be reported. All employees have a legal responsibility to act in accordance with this procedure.

## **9. PROCEDURE FOR DEALING WITH RACIST INCIDENTS IN THE COMMUNITY (Service Delivery)**

Members of the public being racially harassed by other members of the public are dealt with in an inter-agency context through the PARH structure. The key partner agencies dealing with racist incidents are the Police, SARI and South Gloucestershire Council. Racist incidents are likely to be reported to any of these agencies.

Legislation, which can be used to work with racist incidents, is appended at F to provide information on the measures available to combat racist incidents.

### **9.1 REPORTING RACIST INCIDENTS**

The Home Office Code of Practice guidance on racist incidents states recommendation 16 of the Stephen Lawrence Inquiry report:

“That all possible steps should be taken by Police Services at the local level in consultation with local government and other agencies and local communities to encourage the reporting of racist incidents and crimes.

This should include the ability to report at locations other than police stations and the ability to report 24 hours a day.”

Victims of racist incidents may be reluctant to make a complaint to the Police, subsequently complaints from the community level could be made to the Council. The Police Service has produced an information pack for victims of racist incidents, which provides contact details of the various agencies involved in providing services to victims of racist incidents. This pack includes details of the Council’s nominated officers for racist incidents.

Notably the scope for reporting incidents 24 hours a day is available by contacting the Police on 999 or SARI for emergencies. The Police also offer mobile phones for people experiencing ongoing harassment. There is further scope for improving the Council’s response to out of hours calls for assistance and will need developing further.

Employees involved in the provision of front-line customer services may become aware of racially motivated incidents in a number of ways.

- Direct complaints made by the public.
- Dealing directly with a member of the public who uses racially offensive language against others.
- Being subjected to racially offensive language or abusive behaviour that may be racially motivated.
- Overhearing or witnessing racial harassment in public areas of the Council’s buildings or whilst on Council business.

## **9.2 RECORDING COMMUNITY RACIST INCIDENTS**

A racist incident reported to the Council should be clearly and accurately recorded on the Racial Incidents Monitoring form. See Law of Disclosure under legislation for further information on issues of recording.

Information recording on the Racial Incidents Monitoring form should be co-ordinated by the departmental nominated officer who has responsibility for racist incidents.

## **9.3 RESPONSES TO COMMUNITY RACIST INCIDENTS**

Employees of the Council must be prepared to give an appropriate and sensitive response.

All victims of racist incidents should be treated with respect and dignity. The victim's interests must be taken into account at every stage of the process.

The departmental nominated officer on receipt of this information has a number of options available in terms of providing a response.

- A service could be offered and the case assigned to a front-line member of staff, for example a Social Worker or Education Welfare Officer to make contact with the person experiencing racial harassment and investigate the complaint further.
- Depending on the information received, discuss the situation with relevant partner agencies such as the Police and SARI to build up a clearer picture of the circumstances and decide a way forward. Before sharing this information with external agencies the consent of the victim must be acquired.
- An inter-agency discussion may assist in establishing who should be the lead agency providing a service to the victim.
- At a minimum level after conferring with the victim and partner agencies there may be agreement that no further action is taken, but that the incident is recorded.

The Police, SARI and other external agencies should inform the Council if there are implications for the Local Authority and its services.

## **9.4 SUPPORTING VICTIMS OF RACIST INCIDENTS**

On making face to face contact with the victim information about SARI should be conveyed to ensure that appropriate support arrangements are in place. Victims of racist incidents may find it difficult to report that they are experiencing racial harassment. Research shows that some victims may

have suffered a persistent series of racist incidents over a considerable period of time before they are reported.

Arrangements for emotional support should be made.

Identify if the victim needs protection from threats or intimidation.

Where a serious offence has been committed the Police should be contacted with the permission of the victim.

If the perpetrators have not been identified the victim should be advised to use the sheet in the Police information pack for recording information about ongoing racist incidents.

On a practical level clear concise information should be provided to the victim about how the case is progressing.

## **9.5 MONITORING RACIST INCIDENTS**

All departments in the Council are required to provide information on racist incidents that have been reported to them on the Racial Incidents Monitoring form. This information must be sent to the Research and Information Officer under Community Safety and brought to the Case Review Panel of PARH. Departmental nominated officers are expected to ensure that this action is implemented in relation to community racial incidents. Nominated officers should ensure that Personnel are kept informed of employee incidents. These incidents must also be reported to the Case Review Panel of PARH.

The Information and Research Officer in the Community Planning team will input the data for community and employee racist incidents on to the racist incidents database. Reports will be produced on a quarterly basis to inform progress reports to the Case Review Panel who will then report to the Partnership Against Racial Harassment.

The purpose of monitoring racist incidents is as follows:

- To provide an overall picture of the frequency and nature of racist incidents in the community and in the Council's workplace.
- Assessing how effectively the Council's services are dealing with racist incidents.
- Identifying statistical trends to inform Council policy development and within the PARH process.
- Prioritising support and allocating resources accurately.
- Formulating preventative strategies to reduce racist incidents.

- Identifying sensitive approaches to support victims of racist incidents based on qualitative data.
- Developing a consistent operational system for work on racist incidents.
- Enabling issues that have cross cutting implications to be identified.
- Enabling the Council to provide information in accordance with BVPIs on racist incidents.

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