



RACE EQUALITY POLICY

1.0 INTRODUCTION

This policy statement outlines the objectives of policy, our commitments towards the implementation of policy and procedures for combating any form of racial discrimination, aggravation and harassment. This policy is part of the Association's Equal Opportunities Policy.

2.0 AIMS OF THE POLICY

We are committed to tackling any inequalities that arise because of race. In this connection “race” includes colour, race and nationality, ethnic and national origins. This incorporates the commitment to tackle all forms of discrimination and to promote equality by mainstreaming equal opportunity matters into all areas of service delivery.

2.1 Law and Good Practice

We shall comply with all legal requirements as per the Race Relation Act 1976, as amended by the Race Relations Amendment Act 2000. We are also committed to ensuring that service delivery follows good practice guidelines, for example, the Codes of Practice issued by the Commission for Race Equality.

2.2 Policies and Procedures

We shall develop and implement policies and procedures that promote race equality in a proactive fashion.

2.3 Publicity

We shall promote positive images in Association documentation to help eradicate racism in the broader community, including ensuring that language is supportive of cultural and racial diversity.

2.4 Accessibility of Services

We shall review services continually to monitor whether they meet the needs of minority ethnic groups. This will include consideration of publishing documentation in appropriate languages.

2.5 Association Contractors and Consultants

We shall endeavour to ensure that contractors and consultants used by the Association adhere to both the law and codes of practice on race.

2.6 Partnership

We shall liaise with minority ethnic groups to develop services that promote their interests. This will include consideration of positive action initiatives to promote race equality.

2.7 Personnel

We shall ensure that our recruitment and selection process promotes equality. For instance, advertising vacancies in appropriate languages, through representative minority ethnic groups or Positive Action in Housing’s recruitment and email advertising packages.

2.8 Staff and Committee Development

We shall foster staff development training programmes to enhance knowledge and awareness of race equality matters. Initial training will be incorporated into staff induction training programmes. This training will also be integrated into Committee training programmes.

2.9 Performance Management

We shall develop monitoring systems to ensure that policy objectives are being realised in practice. Monitoring will be subject to ongoing review and development. Current areas that we monitor are given in Appendix 1.

2.10 Policy Review

We shall review this policy every three years in consultation with service users, staff and the statutory and voluntary sector bodies, including minority ethnic groups.

3.0 RACE EQUALITY: COMPLAINTS PROCEDURES

Complaints regarding any form of discrimination, aggravation or harassment will be dealt with as a matter of urgency. These terms are first explained before outlining procedures to be adopted.

1. Discrimination

In its general use “discrimination” means **distinguishing** someone is different; this sense is not pejorative as differences naturally exist among people, for instance, appointing individuals with greater knowledge and skills is acceptable. We shall, however, strive to end any discrimination that is unlawful, or stems from failure to apply objective criteria when taking decisions.

Racial discrimination, on the other hand, has a distinct legal meaning.

- a) Direct discrimination occurs when someone is treated less favourably than another on grounds of race, for example, offering black people the poorest properties because of their ethnic origin.
- b) Indirect discrimination occurs where conditions are applied that are less likely to be met by specific ethnic groups and these conditions cannot be shown to be justifiable irrespective of the racial origins of the person(s) to whom these conditions are applied, for example, requiring applicants to have had a local connection before they will be considered for housing.

2. Harassment

In Scots’ law there is no specific offence of racial harassment. Harassment is however legally defined by the Protection from Harassment Act 1997. Every individual enjoys the legal right to be free from harassment and a person must not pursue a course of conduct (on at least two occasions) that amounts to harassment of someone else and

- a) this conduct is intended to amount to harassment, or
- b) occurs in circumstances where it would appear to a reasonable person that it would amount to harassment of that person.

“Conduct” includes speech and “harassment” includes causing someone alarm or distress.

A person who has suffered harassment i.e. the victim, may raise a civil action called an action of harassment.

3. Racial Aggravation

Racial aggravation is legally defined by the Crime and Disorder Act 1998. Racial aggravation is an offence and occurs when:

- An offender displays malice or ill-will towards a person based on the latter’s membership of a social group and/or
- Where the offence is motivated by malice and ill-will towards members of a racial group based on their membership of that group.

4.0 PROCEDURES FOR DEALING WITH ALLEGATIONS OF RACIAL AGGRAVATION OR DISCRIMINATION

1. Initial notification of the allegation will be recorded in the Association's Complaints Register and passed to the Housing Manager for immediate action.
2. A visit will be carried out to the victim within 24 hours and a full report of all the circumstances made. This will include any photographic evidence and copies of any relevant documentation.
3. If the incident is the first of its kind and it is thought that other incidents may occur, the victim will be asked to keep a diary of such related incidents that the Housing Officer will collate.
4. If the nature of the complaint is of a criminal nature, the matter should be reported to the police and the victim encouraged to report all future incidents. Police reports will serve as appropriate support for any ensuing legal action. All complainants should be encouraged to report incidents to the local police station whether they know the perpetrator of the alleged harassment or not.
5. The Housing Officer will assist the victim in reporting to and enlisting the help of, any appropriate external agency, for example, the West of Scotland Community Relations Council or the Commission for Racial Equality. An interpreter will be made available if required, with costs met by the Association, dependent on the circumstances.
6. A follow-up visit should be made within seven days, or sooner as agreed with the victim, in order to update the position. This will also serve as additional support to the victim.
7. If the perpetrator is known and resides within the Association's area, a visit will be carried out immediately after the initial visit to the victim. Their comments will be noted in writing and they will be fully advised of the complaint.
8. This visit will be followed up in writing. Where discrimination etc. has occurred, the Association reserves the right to initiate appropriate action, including commencement of legal action to repossess a tenancy.
9. If the perpetrator is a tenant of another landlord, their Landlord will be advised of the situation.
In the case of the perpetrator being an owner-occupier, all appropriate remedies will be considered.
10. Reports will be made to the Housing Management Subcommittee on a quarterly basis.
11. The victim will be kept fully informed of each step of action taken.
12. If the situation can be alleviated by, and it is the victim's wish, the Association will make every effort to provide suitable alternative accommodation either by way of transfer, referral to another Landlord or use of temporary accommodation. Where the situation is serious, the Housing Officer is empowered to effect house transfers or secure alternative accommodation. A full report on this action must be circulated to the next Committee meeting.

APPENDIX 1

RACE EQUALITY MONITORING

- Numbers and grades of staff by ethnic origin
- Training provided to staff
- Issues to be incorporated into Association surveys
- Monitoring of numbers of lets by ethnic origin, including types of property and area of let
- Removal of racist graffiti within one working day
- Quarterly report of the above, including “nil” report.