

Chief Executive Department corporate policy, legal services + district courts, IT + e-government, committee + member services, lord provost office, city registrar, personnel + administration services, public relations + marketing **Building Services** contract + maintenance + construction services, rsbi (blindcraft + city windows, transport management, security related services **Cultural + Leisure Services** museums + art galleries, performing arts, sport + recreation, libraries + archives, community education, recreation + sports development **Development + Regeneration Services** city plan, social + economic policies, property development, planning applications, business grants + directory, SIP projects, leasing of commercial + industrial properties **Direct + Care Services** home helps, catering services, venue hire, events + banqueting, building + window cleaning **Education Services** pre-five + childcare, primary + secondary schools, special educational needs, education support + advisory service for schools **Environmental Protection Services** cleansing, refuse collection + disposal, scientific services, enforcement services ground engineering + land remediation **Financial Services** council budget + cash collection, council tax, housing benefits, strathclyde pension fund, assessor + electoral registration **Land Services** roads + transportation, cemeteries + crematoria, parks + open spaces, road safety **Social Work Services** area based social work offices, criminal justice, children + families, residential + day care, fostering + adoption services, homelessness + addiction services **Chief Executive Department** corporate policy, legal services + district courts, IT + e-government, committee + member services, lord provost office, city registrar, personnel + administration services, public relations + marketing **Building Services** contract + maintenance + construction services, rsbi (blindcraft + city windows, transport management, security related services **Cultural + Leisure Services** museums + art galleries, performing arts, sport + recreation, libraries + archives, community education, recreation + sports development **Development + Regeneration Services** city plan, social + economic policies, property development, planning applications, business grants + directory, SIP projects, leasing of commercial + industrial properties **Direct + Care Services** home helps, catering services, venue hire, events + banqueting, building + window cleaning **Education Services** pre-five + childcare, primary + secondary schools, special educational needs, education support + advisory service for schools **Environmental Protection Services** cleansing, refuse collection + disposal, scientific services, enforcement services ground engineering + land remediation **Financial Services** council budget + cash collection, council tax, housing benefits, strathclyde pension fund, assessor + electoral registration **Land Services** roads + transportation, cemeteries + crematoria, parks + open spaces, road safety **Social Work Services** area based social work offices, criminal justice, children + families, residential + day care, fostering + adoption services, homelessness + addiction services

GLASGOW CITY COUNCIL

Corporate

racial harassment Procedures



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Introduction

The Council wants Glasgow to flourish as a multi-cultural, international city where people are valued equally and choose to live, learn, work and play.

The Council has undertaken in its Race Equality Scheme's Implementation Plan to **"implement clear, open and standard procedures for reporting and recording incidents of racial harassment beyond the scope of the Employee Harassment Policy"**. The Corporate Racial Harassment Procedure applies if a service user racially harasses another service user or a member of staff. The Procedure for Dealing with and Investigating Racist Material (attached at Appendix 6) should be followed in parallel to these procedures in the event of racist material being distributed or circulated.

- ✦ **Social Work Services** have published Racial Harassment: Policy Statement and Practice Guidelines for use by all staff. The practice guidelines adopt a complainant centred approach, which means that the complainant's perception and analysis of the incident is accepted in the first instance.
- ✦ **Education Services'** procedures Dealing with Racial Harassment are designed to help teachers and other staff to deal with instances of racial harassment. In cases where children, or young people are perpetrators of racial harassment, parents or guardians connected to the alleged perpetrators can be held liable.

Scope of the procedure

The Council is committed to tackling racial harassment and to supporting all service users and staff who feel they are racially harassed. These procedures apply in the circumstances described below .

In a case where a **service user** racially harasses another service user or a **member of staff**, the complaint should be dealt with and investigated in accordance with these procedures, which are described in detail on the following pages.

- ✦ In a case where a **member of staff** racially harasses a service user, the service user should be assisted under these procedures and the complaint against the member of staff should be dealt with and investigated in accordance with the Council's **Code of Discipline**.

However, in a case where any **member of staff** racially harasses another member of staff, the complaint should be dealt in accordance with the Council's **Employee Harassment Policy**.

The procedure described below is based on the practice recommended by the Commission for Racial Equality in the caseworker's handbook Tackling Racial Harassment in Scotland. It is designed to collect evidence and decide on a course of action, and should be used whether or not a crime has been committed.

The implementation of these procedures will be kept under review.

Policy Statement

In September 1998 Glasgow City Council approved an Anti-Racist Policy Statement which recognised that the Council has a legal and moral duty to strive to eliminate the evil of racism in the city. It declares that **“If Glasgow is to prosper as a city, then it is essential that all citizens feel they have an equal share in the city and that each citizen is equally valued. The City’s agenda for quality services, active citizen involvement, social inclusion and cohesion requires that racism be eliminated wherever and however it occurs, whether in the form of racial discrimination, racial harassment or violence. This policy statement, therefore, commits the Council to take firm action to eliminate racism from our own organisation and from Glasgow generally by:**

- ✧ **developing proactive and effective anti-racist policies across all our services;**
- ✧ **sustained implementation of the CRE Standard ‘Racial Equality Means Quality’;**
- ✧ **strengthening the inclusion of all communities in the development of Council policy and the delivery of services;**
- ✧ **establishment of effective consultation mechanisms which allow the voice of all excluded and black and ethnic minority communities to be heard, including young people within those communities;**
- ✧ **monitoring service delivery to black and ethnic minority communities and publishing results in an annual review;**
- ✧ **targeting resources (both existing and new) towards tackling racism and exclusion.**

We recognise that a long-term strategy which takes account of the deep and complex nature of racism will also be required. We will work with other organisations and agencies to develop such a long-term strategy to ensure that Glasgow plays a leading role in the eradication of racism from Scottish society.”

Definition of Racial Harassment

- 1.1 The Report on the Stephen Lawrence Inquiry (1999) defines a racist incident, which includes racial harassment, in the following terms. **“A racist incident is any incident which is perceived to be racist by the victim or any other person”**. The Inquiry recommended that the term ‘racist incident’ must be understood to include crimes and non-crimes in policing terms, and that this definition be adopted by the Police, local authorities and other relevant agencies. This definition places emphasis on the victim’s perception that the incident is racist. These procedures are based on this definition.
- 1.2 There can be different forms of racial harassment and abuse; this may either be criminal or non-criminal depending on the severity of the incident. While this list is not exhaustive it indicates the range of unacceptable behaviour.
- ★ **Physical attacks;**
 - ★ **Threats of violence;**
 - ★ **Racist graffiti;**
 - ★ **Damage to property;**
 - ★ **Nuisance incidents such as noise or door knocking;**
 - ★ **Written or verbal abuse;**
 - ★ **Offensive or dangerous material through a letterbox;**
 - ★ **Behaviour such as wearing racist badges or insignia.**

2

Legislation & Policy

- 2.1 The **Race Relations (Amendment) Act 2000** extends the scope of the Race Relations Act 1976 to include all functions of all public authorities. It also imposes on public authorities a general duty to promote racial equality. The general duty replaces section 71 of the Race Relations Act 1976. It requires every public authority “in carrying out its functions, (to) have due regard to the need -
 - (a) to eliminate unlawful racial discrimination; and
 - (b) to promote equality of opportunity and good relations between persons of different racial groups”.
- 2.2 The **Criminal Justice and Public Order Act 1994** amends the Public Order Act 1986 and renders intentional harassment, alarm or distress, unlawful in certain circumstances. This includes racial and sexual harassment, and harassment on the grounds of disability and sexuality.
- 2.3 The **Crime and Disorder Act 1998** amended the Criminal Law (Consolidation) (Scotland) Act 1995 to create a new offence of racial harassment. A person commits the offence of racially aggravated harassment if he or she acts in a way that either causes or is meant to cause alarm or distress. It is an offence if a person carries out a course of conduct which is racially aggravated and which is intended to amount to harassment of another person, or would seem to a reasonable person to amount to harassment of that person.
- 2.4 **Section 96** of the Act also provides for courts to take racial aggravation that is libelled in respect of any offence into account in determining the appropriate sentence. Where it is proved in court that an offence has been racially aggravated, the aggravation will be taken into account when sentencing. Racial aggravation occurs if, at the time of committing the offence, or immediately before or after it, the offender evinces towards the victim (if any) malice and ill-will based on the victim’s membership (or presumed membership) of or association with members of a racial group. No corroboration is required for the racist element of an incident.
- 2.5 The **Protection from Harassment Act 1997** was originally intended to stop the activities of stalkers, but might be used to tackle racial harassment. The civil or criminal courts can make non-harassment orders.
- 2.6 The Council’s **Employee Harassment Policy** aims to prevent harassment in the workplace. It is to be referred to in any instances where a member of staff racially harasses another member of staff. It states that harassment on the grounds of race, ethnic origin, nationality, skin colour or religious conviction is covered by the procedures outlined in the policy. It further states that harassment has been found to amount to discrimination under the Race Relations Act 1976, and may lead to claims for victimisation under the Act.
- 2.7 Strathclyde Police has introduced third-party reporting “to widen access to the police for those who have been victims of racially motivated crimes.” This system has been extended to agencies such as West of Scotland Racial Equality Council, the Scottish Refugee Council, the Glasgow Asylum Seekers Support Project (GASSP) and Social Work Services Standby Service. Contact details are given at the end of these procedures.

Roles & Responsibilities

- 3.1 The Chief Executive has overall responsibility for implementing and reviewing the Corporate Racial Harassment Procedure, and will publish annually a report on all notified incidents of racial harassment. Directors of Services have responsibility for implementing and reviewing the Corporate Racial Harassment Procedure within their Service.
- 3.2 The Head of Personnel Services has overall responsibility for ensuring that all officers designated as investigating officers will be trained and given support in how to deal with complaints of racial harassment. Each Service's Head of Personnel is responsible for ensuring that officers in their Service are given such training and support.
- 3.3 The Heads of Section are responsible for ensuring that all complaints of racial harassment are dealt with in line with the Corporate Racial Harassment Procedure and the Council's Complaints Procedure. They will review all current cases every 20 working days and make decisions about legal action and case status. They are also responsible for collating the monthly returns.
- 3.4 Investigating officers are responsible for carrying out the investigation and collating evidence. They are also responsible for keeping a full and regularly updated record of the complaint. They will be the main contact for the complainant.
- 3.5 All officers have a responsibility to deal with complaints of racial harassment in line with the Corporate Racial Harassment Procedure.

4

Procedure - First Contact

- 4.1 The following list, which is not exhaustive, gives examples of ways in which incidents of racial harassment might be identified:
- ✧ A direct complaint from the complainant
 - ✧ By observation
 - ✧ A report from a third party
 - ✧ A referral from another agency
 - ✧ An awareness of the presence of racist graffiti, racist literature or racist behaviour
- 4.2 Any member of staff who receives a complaint must formally record it. The Racial Harassment Incident Report Form, RHIRF, which is attached at Appendix 1, may be used. The member of staff who is informed of the complaint should give support as necessary to the complainant, and inform the senior line manager present in the work location. That manager or any subsequently delegated manager must take formal responsibility to ensure that the proper response and follow-up action are taken.
- 4.3 If used a copy of the complaint form RHIRF should be sent to the Head of Section, a copy to be retained by the office receiving the complaint and a copy forwarded to the complainant within 24 hours.
- 4.4 Any member of staff who completes the RHIRF should ensure that no details are left out. If an interpreter is required to help with recording the complaint the Glasgow Translation and Interpreting Service may be contacted. Contact details are attached at the end of these procedures.
- 4.5 Confidentiality is important if the racial harassment procedures are to be implemented successfully. Any person seeking general advice/information or who may wish to make a complaint, will need to be reassured that the inquiry will not be revealed to a third party or documented without their knowledge and consent. Any breach of confidentiality will be treated seriously and may become the subject of investigation under the Code of Discipline.
- 4.6 Some incidents will also be subject to Accident Reports, Violent Incidents Reports, or reporting under the Services' Complaints procedures. Although it is accepted that multiple reporting of a single incident creates additional administrative tasks, it is important to record under each relevant system in order to monitor effectively the nature and extent of racial harassment in the Service and how well it is being responded to.
- 4.7 If the complainant has received racist material the Council's Procedure for Dealing with and Investigating Racist Material, which is attached at Appendix 6, should be used.
- 4.8 The complaint should be asked to complete the Ethnic Monitoring Questionnaire, which is attached at Appendix 5.
- 4.9 The Council's Graffiti Help-line should be notified when a complaint of racist graffiti has been received. It is the Council's target that racist graffiti should be removed within 24 to 48 hours of notification. Contact details are attached at the end of these procedures.
- 4.10 Glasgow Community Safety Partnership has published an information leaflet that describes the action to be taken if there has been an incident of racial harassment.

Procedure - Investigation

- 5.1 All instances of a criminal nature should be reported to Strathclyde Police at the outset. Strathclyde Police Local Authority Liaison Officer, who is based in the Community Safety Initiative in Development and Regeneration Services, should be the first point of contact. If the Local Authority Liaison Officer is unavailable the duty officer at Stewart Street Police Office should be informed. Once Strathclyde Police become involved the Head of Service has no control over the outcome of a criminal investigation. Contact details are attached at the end of these procedures.
- 5.2 If there has been the threat or use of violence the Head of Service should be consulted on whether Strathclyde Police should be informed. The complainant should be asked for his or her consent to information being disclosed. Any decision to disclose sensitive personal data must take into account the implications of disclosure contained within the Data Protection Act 1998. If the Council chooses to disclose information against the complainant's wishes because of the serious nature of the incident it should not disclose the complainant's name and should tell the complainant of the action taken. The advice of Legal Services must be sought under these circumstances.
- 5.3 The main components of the investigation are to establish the facts in an unbiased way.
- 5.4 The sensitive nature of racial harassment requires additional procedural steps to be taken. These are described below.
- 5.5 This phase should be completed as soon as possible in all instances and in any case within seven working days from the date the incident was reported.
- 5.6 The Head of Section will appoint an officer, designated an investigating officer, within three days of receiving the complaint or RHIRF. Investigating officers should be competent on race issues and will have received training in how to deal with complaints of racial harassment.
- 5.7 If appropriate try the investigating officer to resolve the complaint informally should the complainant ask for this solution. The complaint should be resolved at the lowest possible level to the satisfaction of the complainant.
- 5.8 In circumstances where the alleged perpetrator is a member of the public the investigating officer will advise the complainant how to pursue his/her complaint with the suitable authorities. The Service will also determine if there are any other measures that the Council may take to avoid any repetition of the racial harassment.
- 5.9 If the complainant wishes to proceed to the formal stage there should be interviews with the complainant, alleged perpetrator and witnesses during which the details of the incident will be recorded. The purpose of these interviews is to establish the facts.
- 5.10 Form RHWRP, attached at Appendix 2, may be used when interviewing witnesses to the incident. Others who observed the complainant's behaviour immediately after the incident may provide circumstantial evidence.
- 5.11 The investigating officer will send a copy of the completed forms to the Head of Section within a reasonable time period and no later than 28 days after the incident. This time period is in line with that for the Council's Code of Discipline.
- 5.12 Where conclusions or actions do not accord with the wishes or interpretation of the complainant he/she should be given the opportunity to seek a review of the decision.

6

Procedure - Dealing with the Alleged Perpetrator

- 6.1 This phase should be completed as soon as possible in all instances and in any case within seven working days from the date the incident was reported.
- 6.2 The alleged perpetrator must be given details of the complaint in writing and an opportunity to respond within a stated period of time. He or she should also be informed that they may have representation or be accompanied at the interview by a family member, friend, or other appropriate representative of their choice. Form IAHRF, attached at Appendix 3, may be used for this interview. The alleged perpetrator should be asked to complete the Ethnic Monitoring Questionnaire, which is attached at Appendix 5.
- 6.3 The following principles need to be applied in all cases of racial harassment. These principles will guide the action to be taken when dealing with the alleged perpetrator.
- 6.4 The personal disadvantages and disruption of any remedies or sanctions should always be borne by the alleged perpetrator and not the complainant.
- 6.5 While the principle of considering the complainant's wishes is very much to the forefront of these procedures, managers will need to take ownership of the problem and assume responsibility. They will need at all times to consider their duties and rights to take other forms of action to defend the complainant, other service users, staff members and the general public.
- 6.6 The type of intervention will rest on judgements such as the severity of the harassment, the ability of the alleged perpetrator to understand the implications of their actions and the sanctions they could face.

Procedure - Reaching a Decision

- 7.1 Where a crime has been committed the outcome of the investigation will be determined by the Procurator Fiscal.
- 7.2 Discussions with the Head of Section will determine the outcome of the investigation where there is no evidence of criminality and where the matter has not been reported to Strathclyde Police.
- 7.3 Where a member of staff is involved, either as complainant or alleged perpetrator, the Head of Section should consult with the Services' Personnel Section.
- 7.4 Regardless of the outcome of any investigations, the officer in charge of the investigations should notify both the complainant and the alleged perpetrator of the result and subsequent action to be taken, and ensure this is recorded.

8

Corporate Monitoring & Reporting

- 8.1 Each Service must ensure that Racial Harassment Incident Reporting Forms (RHIRF) are collated monthly. Nil returns should be noted.
- 8.2 The summarised data, which may be recorded on Log of Reported Incidents of Racial Harassment which is attached at Appendix 4, should be sent quarterly to the Chief Executive. Who should submit an annual report on the incidents of racial harassment including racist graffiti to the Policy and Resources (Equalities) Sub-committee. The report should include an analysis of trends and a review of related inter-agency work.



racial harassment Incident Report Form

To be completed in respect of any incident of racial harassment which involves a service user either as the victim or alleged perpetrator.

Reference:

Is an interpreter required?

YES NO If YES, which language

Department/Section

Phone

Incident Date

Time

Location

Complainant

Name

Address

Occupation

Date of Birth

Please give a brief summary of the incident, where known give names, addresses of any parties involved including witness(es), description of assailant(s) details including registration numbers and types of vehicle. If reported to Police supply names, numbers and station reported to

Brief Description of Incident/Action taken

Name and Address of Witness(es)

1.

2.

Reported to Police

YES NO Police Complaint Number

Threatening/Violent Persons (Name/Description of Assailants)

.....

.....

.....

.....

Does the above threatening/violent person have a history of violence?

YES NO

Were there any warnings prior to the incident, if yes provide details

YES NO

.....

.....

.....

Did the threatening/violent person have a weapon?

YES NO

What action has been taken to prevent a recurrence?

.....

.....

.....

.....

PLEASE ATTACH ANY OTHER RELEVANT INFORMATION IN RESPECT OF THIS INCIDENT

Signature

Date

Designation



racialharassment

Witness Report Form

To be completed in respect of any incident of racial harassment which involves a service user either as the victim or alleged perpetrator.

Reference:

Is an interpreter required?

YES NO If YES, which language

Incident Date Time

Location

Name and Address of Witness

Name

Address

Phone

Witness Account of Incident (continue on blank sheet if necessary)

.....

.....

.....

.....

.....

.....

.....

Signature of Witness Signature of Interviewer

1. 2.

Designation

Date



racial harassment

Interview with Alleged Harasser Report Form

To be completed in respect of any incident of racial harassment which involves a service user either as the victim or alleged perpetrator.

Reference:

Is an interpreter required?

YES NO If YES, which language

Incident Date Time

Location

Name and Address of Alleged Harasser

Name

Address

Phone

Details of Reported Incident (this can be written in advance)

The Response (continue on a blank sheet if necessary)

THE COUNCIL'S RACIAL HARASSMENT POLICY SHOULD BE EXPLAINED AT THIS POINT

Signature of Witness Signature of Interviewer

1. 2.

Designation

Date



racialharassment

Log of Reported Incidents

Service:

1.	Location	Date
	Incident	
	Follow Up	
	Outcome	
2.	Location	Date
	Incident	
	Follow Up	
	Outcome	
3.	Location	Date
	Incident	
	Follow Up	
	Outcome	
4.	Location	Date
	Incident	
	Follow Up	
	Outcome	
5.	Location	Date
	Incident	
	Follow Up	
	Outcome	
6.	Location	Date
	Incident	
	Follow Up	
	Outcome	



ethnic monitoring Questionnaire

What is your ethnic group?

Choose one section from A to F, then tick the appropriate box to indicate your ethnic or racial background.

A. White

- Scottish
 Other British
 Irish

Any other White background, please write in

B. Mixed

- Any Mixed background, please write in
-

C. Asian, Asian Scottish or Asian British

- Indian
 Pakistani
 Bangladeshi
 Chinese

Any other Asian background, please write in

D. Black, Black Scottish or Black British

- Caribbean
 African

Any other Black background, please write in

E. Other Ethnic background

- Any other background, please write in
-

F. Not known

- Any other background, please write in
-

Gender

- Male
 Female
-

Procedure - Dealing with & Investigating Racist Material

Background

Racist material, including letters printed on Glasgow City Council letterhead, have been sent to elected members and officers from time to time. The Council's Anti-Racism Action Plan "requires that racism is eliminated wherever and however it occurs, whether in the form of racial discrimination, racial harassment or violence".

The procedure outlined below is designed to give guidance and help elected members and employees who receive racist material, or are advised that such material is in circulation.

Racist material ridicules, threatens violence to, portrays in a pornographic manner black and ethnic minority people and may comprise letters, memos, circulars, cartoons etc.

Aim

The purpose of this procedure is to codify the steps to be taken either upon direct receipt of racist material or having been advised that such material is in circulation.

Procedure

Any elected member who receives racist material will handle the material as little as possible, placing the document or documents within a clear plastic folder. All relevant material and information, including any witnesses' and victims' details, should be passed to the Chief Executive. The Chief Executive will liaise with the Police Liaison Officer on the nature of subsequent investigations.

Any Council employee who receives racist material will

- ★ Report the matter to their line manager who is required to process the attached form;
- ★ Handle the material as little as possible, placing the document or documents in a clear plastic folder and pass all relevant material and information to their Director.

The Director will

- ★ Inform the Chief Executive;
- ★ In non-urgent cases inform the Police Liaison Officer and pass all material and relevant information to him (City Chambers, East Building, Room 79);
- ★ Where urgent, i.e. In cases where there is the threat of violence and the Police Liaison Officer is unavailable, inform the duty officer at Stewart Street Police Office (0141 532 3000); and
- ★ Keep a note of the action taken.

The Chief Executive will

- ★ Liaise with the Police Liaison Officer on the level of subsequent investigations;
- ★ Request the Police Liaison Officer to provide a final report on the outcome of the investigation.

If either an officer or an elected member is made aware by a third party that racist material which relates to the Council is in circulation the recipient should be advised to send all original material and relevant information to the Chief Executive who will liaise with the Police Liaison Officer.

The Council's Whistleblowing Policy makes it clear that employees who report activities by a third party which are unlawful, fall below established standards or practices, or amount to improper conduct, will be able to do so on a confidential basis and without fear of reprisals.

Investigation Reports

The Chief Executive will report as required to the Leader of the Council and the Council Management Team on the amount and type of racist material received, action taken and outcome of any investigations.



procedures adopted on Receipt of Racist Material

On discovering that materials received are of a Racist nature, then the item must be placed in a **clear plastic folder** and the following **details recorded**.

1. How were items received

- Royal Mail Internal Mailing System

Other (specify)

2. Time received

3. Date received

4. Recipient

5. Details of all personnel known to have handled the item

6. Line Manager informed Yes No

Brief details

7. Chief Executive informed Yes No Date

8. Police informed Yes No Date

9. Disposal/Outcome

Contacts

Citizens Advice Bureaux

48 Albion Street,
Glasgow G1

Phone: 0141 552 5556

49 Dunkenny Square,
Drumchapel, Glasgow G15

Phone: 0141 944 0205/0141 944 2612

1361 Gallowgate,
Parkhead, Glasgow G31

Phone: 0141 554 0004

46 Shandwick House,
Easterhouse, Glasgow G34

Phone: 0141 771 2328

35 Main Street,
Bridgeton, Glasgow G40

Phone: 0141 554 0336

1143 Maryhill Road,
Glasgow G20

Phone: 0141 946 6373

Glasgow Translation & Interpreting Service

Napiershall Street Centre,
39 Napiershall Street,

Glasgow G20 6EZ

Phone: 0141 341 0019

Glasgow Asylum Seekers Support Project

145 Kelvinhaugh Street,
Glasgow G3 8PX

Phone: 0141 222 7300

Graffiti Removal

Graffiti Helpline

Phone: 0800 595 595

Scottish Refugee Council

5 Cadogan Square
(170 Blythswood Court),

Cadogan Street,

Glasgow G2 7PH

Phone: 0141 248 9799

Strathclyde Police

Local Authority Liaison Officer

Phone: 0141 287 8423

Stewart Street Police Office

Phone: 0141 532 3000

West of Scotland Racial Equality Council

Napiershall Street Centre

39 Napiershall Street

Glasgow G20 6EZ

Phone: 0141 337 6626

