



Racial Harassment Complaints Received by Derby Homes, 1 April 2003 – 1 April 2004

RECOMMENDATION

1. To note the report.

SUPPORTING INFORMATION

- 2.1 There has been a gap of several years since the last report detailing racial harassment complaints. The last report of this type was produced jointly by the Chief Executive and Director of Housing for MECAC and dated 19 September 2001. Since the last report, Derby Homes has become an Arm's Length Management Organisation - ALMO and the equalities action has been mainstreamed. The advice, support and monitoring on matters relating to equalities within housing management is now provided by the Housing Equalities Adviser.
- 2.2 To keep the Committee updated an annual report on the number of harassment complaints will be established. Under the new 'Procedure For Handling Harassment Complaints By Derby Homes Tenants' all complaints of harassment, whether upon the basis of race, gender, sexuality, disability, age, HIV and religion will be recorded, and where appropriate, investigated. While it is possible to continue to collate data about racial harassment, it would be consistent with our new procedure on harassment to present the Board with data on the frequency of harassment complaints of different types.
- 2.3 In collating this report it became clear there needed to be more consistency in completing the harassment incident reporting forms and the harassment investigation report forms e.g. the ethnic origins of the victim and perpetrator of harassment were not always recorded, the time spent on dealing with complaints was frequently not recorded. These types of weaknesses have been addressed both through the development of new reporting and investigation forms, briefings and guidance to Office Managers and more careful monitoring of the completed forms.
- 2.4 In total, we received nineteen complaints of racial harassment in the twelve-month period covered by this report. The details of the outcomes of the complaints were:

Cases Recorded	Investigations Conducted	Cases Reported to police	Cases Upheld	Cases Not Upheld	*NOSP issued
19	17	13	2	15	2

*Notice of Seeking Possession, the first stage in the legal process of evicting the tenant.

- 2.5 **Appendix 2** gives brief details of the complaints received from tenants for the period 1 April 2003 to 1 April 2004.

For more information contact:	Shahid Ashrif, Housing Equalities Adviser Tel: 711023 e-mail: Shahid.Ashrif@derby.gov.uk
Background papers:	Complaints Received
List of appendices:	Appendix 1 – Implications Appendix 2 – Complaints received

IMPLICATIONS

Financial

1. None.

Legal

- 2.1 The new conditions of tenancy (set out in the Tenants Handbook) require tenants to make sure that they, and other people living with them, including children and any visitors, do not harass, abuse or threaten neighbours because of their gender, race, colour ethnic or national origin, religion, disability, marital status, age, sexuality or because they are living with HIV/AIDS.
- 2.2 Legal action to obtain injunctions, possession orders and reduced tenancies and anti-social behaviour orders will be taken where this is warranted.

Personnel

3. As indicated in section 2.3 the time spent by employees investigating the complaints is not available. Future annual reports will include such data.

Equalities impact

4. Full investigations of complaints of harassment or unequal treatment are an integral part of the Derby Homes' approach to Equalities.

Corporate objectives and priorities for change

5. Recording and investigating harassment complaints comes under the Council's Objective of **strong and positive neighbourhoods**.

COMPLAINTS RECEIVED

1. Details of Complaint (27/4/04)

Woman subjected to racial taunts/abuse from neighbour and other residents in the area. History of reports of anti-social behaviour and police involvement but generally charges dropped because of agreement between parties.

Local Housing Office Involved

New Sinfen

Outcome of the Investigation

NOSP served on all parties involved in dispute. Community Watch conduct patrol for period of 4 weeks. Complaint to be monitored.

Appears to be a great deal of hatred and jealousy from all parties involved. Difficult to prove allegations of racial harassment which all the parties have made about each other.

2. Details of Complaint (27/4/04)

Racial verbal abuse directed at household by youths outside the property after school hours and at weekends. Mixed gender group aged between 11 - 13 but none identified. This family has suffered harassment before by unidentified youths.

Local Housing Office

Old Sinfen

Outcome of the Investigation

Community Watch Patrol monitors the property. Family applies to be re-housed.

Youths could not be identified. Incident not reported to police because family was afraid of repercussions.

3. Details of Complaint (13/4/04)

Racial verbal abuse and threats against female tenant by stepsister. The family is known to local housing office and disputes in past have been dealt with as anti-social behaviour complaint.

Location

New Sinfen

Outcome of the Investigation

Both sisters given diary sheets to complete if they feel they are being harassed. An anti-social behaviour case drawn up and investigated in the event of diary sheets being returned.

Police could not investigate due to lack of evidence. Counter allegations made by sister.

4. Details of Complaint (7/4/04)

Woman harassed by group of youths outside her neighbour's house causing a nuisance and damage to property. When challenged youths became abusive and racist name-calling resorted to.

Local Housing Office Involved

Cowsley

Outcome of the Investigation

NOSP served on two properties associated with two of the youths. One youth referred to Youth Offending Service. Police contacted. Complaint monitored.

5. Details of Complaint (10/3/04)

Family subjected to racial abuse and anti-social behaviour. The two daughters in the family have also been subjected to racial harassment and anti-social at their schools.

Local Housing Office

Austin

Outcome of the Investigation

Apply to be re-housed. Community Watch Patrol monitors the property. Schools written to but have denied that harassment occurred.

Family does not wish further action even if youths have been identified. Family wished to be re-housed in London area.

6. Details of Complaint (26/1/2004)

Tenant banging aggressively on male victim's door, accompanied by swearing, allegedly in response to the excessive noise being made by victim. Damage done to door and police called out to the incident.

Local Housing Office

Mackworth Office

Outcome of the Investigation

The perpetrator warned of the consequences in the event of the racial harassment being proved. Since issue related to noise nuisance, the perpetrator issued with diary/monitoring sheets

7. Details of Complaint (14/1/04)

Female tenant subjected to racist comments.

Local Housing Office

Brook Street

Outcome of the Investigation

Alleged perpetrator, who denied her comments were racist, spoken to by Area Manager. (Note – no Harassment Response Officer in post at time of incident).

Other than warning to alleged perpetrator, no further action taken.

8. Details of Complaint (5/1/04)

Two male tenants went to investigate when four people were seen outside the property. The four people had on the day before beaten one of the tenants up. The tenant who had been beaten up on previous occasion was again attacked. Both tenants retreated when they saw one of the perpetrators was carrying a gun. The police were called and they supplied a panic alarm to the tenants.

Local Housing Office

Austin Office

Outcome of the Investigation

Matter referred to Tenancy Support Team. Rehousing application completed (in case it was necessary to move the victims). Police not taking any further action. Police believe the incident related to a turf war related to drugs. The tenants issued diary/monitoring sheets.

9. Details of Complaint (8/12/03)

Tenant being interviewed about her rent arrears by Derby Homes' staff referred to another Derby Homes' employee as "Paki girl". Police phoned and informed of the incident. Police interviewed staff member processing client at the time of the incident.

Local Housing Office

Allenton Office

Outcome of the Investigation

The tenant visited by police and warned about her behaviour. A warning letter sent to tenant.

10. Details of Complaint (29/10/03)

Female tenant reported that her four children ranging in age from twenty to eleven years of age had been subjected to various forms of racial harassment since their father had been wrongly accused of burglary in the Derby Evening Telegraph. The youngest child had been subjected to racial abuse at her school and en route to and from school. The tenant's property and car had been damaged. The eldest of the tenant's children has her own residence and that had been subjected to damage. The second eldest child had previously been subjected to an attack and the tenant had reported the incidents to the police on several occasions but she was of the view that the police did not treat the matter seriously. The police confirmed that there had been damage to vehicles on two occasions and damage to property on two occasions.

Local Housing Office

Austin Office

Outcome of the Investigation

Diary/monitoring sheets issued to tenant. School contacted about possible harassment occurring there. Police contacted for update on case. Community Watch Patrol to monitor household regularly.

11. Details of Complaint (13/10/03)

Female tenant being racially abused by a group of youths aged between 12 and 15. The harassment generally outside her home and most often occurring during weekends and

school holidays. She has suffered from anti-social behaviour from neighbours. The tenant suffers from mental health problems and has very limited support from her family.

Local Housing Office

Austin Office

Outcome of the Investigation

The Community Watch Patrol to visit regularly. The Local Housing Office to look into the issue of noise nuisance. Diary/monitoring sheets issued to tenant.

12.Details of Complaint (3/10/03)

Male tenant suffered from anti-social behaviour from large group of youths aged between 12 and 17 years who hang around the area between 6 pm and 7 pm. It was suspected the youths were smoking drugs and this had been reported to police. The tenant suspected that the youths damaged his electricity box outside his property and they had been banging on his letterbox. It was suspected that the youths lit a fire on the grassed area at the rear of the tenant's property. The fire was dangerous enough for the fire brigade to be called to the scene. Identities of youths involved not known.

Local Housing Office

Stockbrook Office

Outcome of the Investigation

Community Watch Patrol to monitor situation and generate video evidence. Look into the possibility of installing fireproof letterbox.

13 Details of Complaint (29/9/03)

Female victim was an owner-occupier complaining against someone who at the time of the incident was a Derby Homes tenant. The victim complained the young daughter of the tenant damaged her car and that the girl had also been racially abusive toward her son. There has been some dispute over the payment for repairs to the car and solicitors have become involved in the matter. Shortly after the initial complaint was made, the perpetrator ceased being a Derby Homes tenant.

Local Housing Office

Stockbrook Office

Outcome of the Investigation

Both parties were advised that the incident had become a police matter and that complaint ought to be lodged directly with the police. Office Manager wrote to victim to advise that Derby Homes could not pursue the matter further now that the issue is a police matter.

14. Details of Complaint (19/9/03)

Male tenant subjected to racial abuse from a group of unidentified youths during the midnight/early hours of the morning. Perpetrators kicked and banged on the front door. No witnesses to the incident(s). Tenant concerned enough to wish to be rehoused.

Local Housing Office

Austin Office

Outcome of the Investigation

Diary/monitoring sheet issued to tenant. The Community Watch Patrol to monitor the property. Inquiries to be made in the neighbourhood to request witness statements. To explore with tenant alternative accommodation via Homefinder.

15. Details of Complaint (26/8/03)

Male tenant was racially abused when he challenged the person removing a car indicator from a friend's car. The perpetrator then on a subsequent occasion made threatening gestures and the tenant felt intimidated in going out. The perpetrator was a friend/acquaintance of another tenant living nearby.

Local Housing Office

Bingham Street

Outcome of the Investigation

Strong warning letter issued to neighbouring tenant explaining she was in breach of her tenancy conditions and that Derby Homes would not tolerate racial harassment from people visiting her property. Police were also contacted with new information regarding the perpetrator. Diary sheets issued to victim. An offer was made of a Victim Support Worker (fluent in the victim's first language).

16. Details of Complaint (19/8/03)

Racial abuse and intimidation directed at mother and daughter. Damage to parents' car and threat to daughter. Main perpetrator lived in a private property.

Local Housing Office

Brook Street

Outcome of the Investigation

School written to. Since neither of the alleged perpetrators are Derby Homes' tenants, and one of them did not make themselves available to be interviewed, the case can only be monitored for further instances of harassment. In the event of further incidents, matter would be referred to the Youth offending Service and the police.

One alleged perpetrator did not co-operate in making themselves available for interview.

17. Details of Complaint (12/8/03)

Female tenant subjected to racial abuse when her dog entered the neighbour's garden. Incident reported to police by tenant who said she had been subjected to racist remarks for over a year. Long-standing dispute and animosity between the neighbours involved in the incident.

Local Housing Office

Alvaston Office

Outcome of the Investigation

As no witnesses to the incident, perpetrator warned that further legal action could be taken. Police contacted to check statements taken and letters sent to neighbours to ascertain whether they had experienced problems.

18. Details of Complaint (6/8/03)

Tenant subjected to racist abuse, and threats. Matter began as one of anti-social behaviour and developed in one of harassment. No witnesses to the case. Matter was reported to the police. At the time of the investigation, the tenant was rehoused, awaiting a decision by the Home Office on a permanent move.

Local Housing Office

Austin Office

Outcome of the Investigation

A NOSP possession issued.

19. Details of Complaint (21/7/03)

Male tenant subjected to racially abusive language by the children of the next-door neighbour. The victim has complained to the parent of the children but this had not had any impact.

Local Housing Office

Allenton Office

Outcome of the Investigation

A warning letter issued to the parent of the perpetrators, detailing responsibilities of tenants and legal action that can be taken if allegation of racial harassment are proved.