

 <b>15<sup>th</sup> October 2008</b>		<b>Agenda Item No.</b>
<b>Title:</b>	Warwickshire Protocol for reporting and recording racist incidents	
<b>For further information about this report please contact</b>	Bernadette Allen	
<b>Service Area</b>	Community Partnership Team	
<b>Wards of the District directly affected</b>	All	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	Not considered at previous meeting	
<b>Background Papers</b>	None	

<b>Contrary to the policy framework:</b>	<b>Yes/No</b>
<b>Contrary to the budgetary framework:</b>	<b>Yes/No</b>
<b>Key Decision?</b>	<b>Yes/No</b>
<b>Included within the Forward Plan? (If yes include reference number)</b>	<b>Yes/No</b>

<b>Officer/Councillor Approval</b>		
With regard to officer approval all reports <u>must</u> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Relevant Director	26/09/08	Chris Elliott
Chief Executive	26/09/08	Chris Elliott
CMT	26/09/08	
Section 151 Officer		Mary Hawkins
Legal	01/10/08	Simon Best
Finance	01/10/08	Marcus Miskinis
Portfolio Holder(s)		Cllr Felicity Bunker
<b>Consultation Undertaken</b>		
Please insert details of any consultation undertaken with regard to this report.		
All public agencies in Warwickshire have been consulted upon on the Protocol. In addition key Service Areas within Warwick District Council were consulted upon to identify any issues in relation to implementing the protocol.		
<b>Final Decision?</b>		<b>Yes/No</b>
<b>Suggested next steps (if not final decision please set out below)</b>		
Further discussions to be held with WREP		

## **1. SUMMARY**

- 1.1 The report provides an overview on the Warwickshire Protocol for the reporting and recording of racial incidents.

## **2. RECOMMENDATION**

- 2.1 That Members note set out at Appendix 1
- 2.2 That Members provisionally agree to formally endorse and sign up to the Protocol. This is subject to confirmation from WREP that all the issues raised by Warwick District Council during the consultation have been satisfactorily addressed.

## **3. REASONS FOR THE RECOMMENDATION**

- 3.1 Warwickshire Race Equality Partnership (WREP), as part of their role to work in partnership with all Public Agencies to promote racial equality and to work towards the elimination of racial discrimination, has lead responsibility for developing the Protocol.
- 3.2 The aim of the Protocol is to develop a consistent multi-agency approach for the reporting and recording of racist incidents across Warwickshire.
- 3.3 The Protocol in appendix 1 has all ready been signed up to by all Public Agencies in Warwickshire, except Warwick District Council, and it is hoped that the fully signed up Protocol will be launched at WREP's AGM in November
- 3.4 However the successful implementation of the Protocol relies heavily on the ability of frontline staff to understand and use the Protocol. Therefore Service Areas were provided with an opportunity to raise concerns / comment on the Protocol. The general feedback from Benefits and Customer Services and Cultural Services were supportive with implementing the Protocol, as long staff briefings were delivered as part of the implementation plan. However both Housing and Property Services and Housing Strategy have a number of concerns with the protocol (see appendix 2).
- 3.5 WREP have agreed verbally to formally address the issues about the Protocol raised by the Council. Officers will pursue the outstanding issues and make a verbal report on progress to the Executive meeting.

## **4. ALTERNATIVE OPTION CONSIDERED**

- 4.1 An alterative option would be to sign up to the Protocol a set in Appendix 1 now. However, to do so would leave the operational and information sharing issues set out in Appendix 2. However, to do so would leave the operational and information sharing issues in Appendix 2 unaddressed.
- 4.2 Not to sign up to the Protocol would leave the Council exposed as the only Public Authority in the County not to have done so. It is therefore recommended that if the necessary responses from WREP have not been received prior to the launch that the Council gives its provisional commitment to the Protocol but defers a full and formal sign up until agreement on the necessary amendments has been concluded.

## **5. BUDGETARY FRAMEWORK**

- 5.1 The delivery of the Protocol, should Member agree to sign up to the Protocol, will be within the existing resources of a number of key Service Areas (Housing and Property Services, Housing Strategy, Benefits and Customer Services and Cultural Services) .

## 6. **POLICY FRAMEWORK**

- 6.1 This development links into the Local Area Agreement – Stronger Community Partnership Group.
- 6.2 The development of the strategy and related action plan will contribute to the delivery of the Districts Sustainable Community Strategy.

## 7. **BACKGROUND**

- 7.1 Following Sir William McPherson's report on the Stephen Lawrence Inquiry in 1999, the Home Office developed a Code of Practice for responding to racist incidents. The Code was primarily designed to help statutory and voluntary and community organisations involved in the reporting and recording of racist incidents, as well as responding to the needs of victims and witnesses of such incidents.
- 7.2 In 2005, Warwickshire Race Equality Partnership (WREP) was established, in order to promote racial equality and to work towards to elimination of racial discrimination in Warwickshire. WREP as part of these aims, has lead responsibility for developing a multi-agency approach for reporting and recording of racist incidents across Warwickshire.
- 7.3 They have developed a Protocol (see appendix 1) to ensure a consistent approach is adopted and maintained. The guidance contained in the Home Office code of practice has been taken into account within the Protocol and it is intended to supplement any policies and procedures used by partner agencies for dealing with racist incidents.
- 7.4 The next steps will be:
- the launch of the Protocol at the WREP AGM in November
  - WREP in partnership with Warwickshire County Council will be rolling out staff briefing sessions on the Protocol within public agencies
  - roll out implementation of the Protocol.

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Community Partnership Team

## Concerns raised by Housing and Property Services and Housing Strategy

The concerns were as follows:

Section 4 of the Protocol sets out the process a reporting point should follow on receipt of a complaint/ report of an incident. Clause 4.2 sets out the requirement to obtain the claimant's signature as their consent for information to be shared between agencies. The information sharing and data protection issues are considered in depth in Section 10. However the following issues are of concern:

- clause 4.4 refers to call centres acting as reporting centres. The Protocol does not specify a process as to how consent would be obtained for a report made to a call centre
- the incident reporting form is displayed at Appendix One. The consent at Section 9 of the form states "I consent to WREP obtaining all relevant information and for them to work with other agencies in relation to this report". The concern is that this is not necessary a consent that would allow a reporting point/ centre to share information to WREP and other agencies.
- the flowchart in Appendix Two specifies that the reporting point should refer an incident to the Police or WREP if it doesn't relate to an agency covered by the Protocol. A referral to the police is not mentioned in section 4
- Section 7 talks about a designated officer who determines whether information can be disclosed under this Protocol and sets out the circumstances in which this could be done. If this is a requirement should Section 4 refer to the need to get the designated officer's to share the form? Who would the designated officer be for WDC?
- The Protocol implies that WDC will be both a reporting point and a reporting centre with responsibility for the latter resting with the Housing Department. It is not clear where responsibility for the reporting point function sits.
- Section 3.5 refers to signposting points, which would refer a complainant to a reporting point, and specifically lists local authority reception points within this category. Where would our receptions refer to?
- 3.8 There is concern in terms of resources, particularly staff time. There needs to be clarification as to who will be expected to do this? Would there be a joint Officer for Housing
- 3.10.2 Whilst there is some understanding about the purpose of the Protocol, in the incidents that are not classed as criminal in nature, there needs to be some desired outcomes of what can be achieved by reporting these incidents. In such cases one can foresee victims not willing to report incidents because there is no direct action that can be taken
- Clause 3.10.3 refers to the Housing Departments having trained staff to support victims of racist incidents. It is not clear whether the intention behind 3.10.3 is to ensure staff that LA housing teams are equipped to deal with racist incidents involving tenants or whether this is placing a responsibility on us to support any resident in the district who reports a racist crime or non-crime. For example, if a reporting centre were to take a report of a racist incident involving our waste contractor the procedures states this would be referred to the relevant agency to investigate through their internal procedure. What role is placed on housing in its reporting centre role in such a scenario?
- There is also an issue of not having an integrated Housing Department as most other district and borough do. Further clarification is needed by Housing Services and Housing as to what the expectations are as to the reporting centre roles and potentially a discussion on the training requirements for staff and how these can be supported.
- The list of report points and centres at Appendix 3 are confusing. It would be better if those sites within our district were listed under Warwick District or Warwick/ Leamington rather than just Warwick

- 7 Warwickshire Sharing of Information Protocol – what is this? My concern here would be that it is a two-way process. It is not often the case when Housing Advice try to obtain information from third parties, particularly the Police is not always forthcoming and when it is, it is not always within reason timescales.