

**Warwickshire
Protocol for Reporting and Recording
of Racist Incidents**

**A Multi-Agency Approach
(Reporting Points)**

**Final Draft
August 2008**

Protocol for reporting and recording of racist incident

We the undersigned support the rights of all residents and visitors of Warwickshire to be treated with respect and dignity irrespective of their race, colour, ethnicity, or religious affiliation.

We recognise that racism is a serious problem that can be detrimental to the well-being of victims, their families and the stability of the wider community.

We are therefore determined to work in partnership with other agencies (see appendix 3) and play an effective role in responding to, and tackling racist behaviour in Warwickshire.

Warwickshire Police

Local Criminal Justice Board

Rugby Borough council

Stratford-on-Avon District Council

Warwick District Council

Warwickshire Police Authority

Warwickshire Race Equality Partnership

Warwickshire County Council

North Warwickshire Borough Council

Nuneaton & Bedworth Borough Council

Warwickshire Fire & Rescue Service

Warwickshire Primary Care Trust

Contents

Page No.

Section A: Background and Definitions

- | | |
|----------------|---|
| 1. Background | 4 |
| 2. Definitions | 4 |

Section B: Procedure

The Procedure for responding to reports of racist incidents

- | | |
|---|---|
| 3. How we will deal with racist incidents | 6 |
| 4. Receiving reports of racist incidents | 8 |
| 5. Monitoring and evaluation | 9 |

Section C: Information Management

Summary of the Data Protection Act and protocols for information management

- | | |
|---|----|
| 6. Data Protection Act 1998 | 11 |
| 7. The Warwickshire Sharing of Information Protocol | 11 |

Appendices

1. Racist incident recording form
2. Process Map for responding to racist incidents
3. List of Reporting Centres and Reporting Points

Section A: Background and Definitions

1. Background

- 1.1 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, 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.
- 1.2 The Code of Practice has been endorsed by many multi-agency partnerships across the country including Warwickshire, where we had a number of local partnerships set up, including - CAR (Community Against Racism) in the south of the county, PAR (Partnership Against Racism) in the north and the Rugby Racial Harassment Project.
- 1.3 In 2005, Warwickshire Race Equality Partnership (WREP) was established as a permanent partnership between the public agencies, community organisations and interested individuals, in order to promote racial equality and to work towards the elimination of racial discrimination in Warwickshire. WREP now has the lead responsibility for setting up a multi agency approach for the recording and reporting of racist incidents across Warwickshire.
- 1.4 This protocol has been developed to ensure that a consistent approach is adopted and maintained. The guidance contained in the Home Office code of practice has been taken fully into account along with the experience gained through the local partnerships over recent years. The protocol is intended to supplement any policies and procedures used by individual agencies for dealing with racist incidents.

2. Definitions

- 2.1 The Stephen Lawrence Inquiry report referred to the different definitions used to describe racism and racist incidents, which it felt caused confusion and inconsistency. The report suggested the following definitions be adopted and communicated by all public agencies and partnerships:
- 2.2 ***Racism***
Racism, in general terms, consists of conduct or words or practices which advantage or disadvantage people because of their colour, culture, or ethnic origin. In its more subtle form it is as damaging as in its overt form.
- 2.3 ***Institutional Racism***
Institutional Racism refers to the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin.
- 2.3.1 *Institutional racism can be detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.*

2.4 ***Racist Incident***

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

- 2.4.1 The definition of a racist incident is not intended to prejudge the motives of the alleged perpetrator, but to ensure that the possibility of a racist dimension is given full consideration in the investigation of all incidents whenever the victim, or any other person reporting the incident, believes this to be the case.
- 2.4.2 Racist incidents can include criminal and non-criminal behaviour and can take various forms including
- ❑ Verbal or written abuse
 - ❑ Assault or threatening behaviour
 - ❑ Criminal damage to property, including arson
 - ❑ Incitement or intimidation
 - ❑ Nuisance and harassment

2.5 ***Racial Harassment***

Racial harassment occurs when unwanted conduct, based on race, has the purpose or effect of violating someone's dignity or creating an environment that is intimidating, hostile, degrading, humiliating or offensive.

- 2.5.1 Although racial harassment is a specific form of racism, it also tends to be used as a generic description of racial incidents. It is recognised to include any or a combination of, verbal and written abuse, graffiti, telephone calls, physical assault, damage to property, intimidation and threats of violence, and can include:
- ◆ Racist 'jokes'
 - ◆ Racial abuse and stereotyping
 - ◆ Racist graffiti or other visual material
 - ◆ Excluding black and ethnic minority colleagues from workplace talk and activities
 - ◆ Excluding black and ethnic minority communities from service provision
 - ◆ An offensive manner in communication, that is not used with others
 - ◆ Physical assault
- 2.6 The Multi-agency Partnership in Warwickshire has fully adopted these definitions.

Section B: Procedure

3. How we will deal with Racist Incidents

- 3.1 The McPherson report states that all possible steps should be taken at a local level to encourage the reporting and recording of racist incidents and crime, at locations other than the Police Station, in consultation with local government and other public and voluntary agencies.
- 3.2 In a multi-agency approach, we should try to ensure that any request for help from the victim or a witness of a racist incident of any kind will trigger an appropriate response. Racist incidents can occur in varying situations and can be between:
- ◆ Members of the public
 - ◆ Employees or employees and employer
 - ◆ Children and young people in educational settings, including colleges
 - ◆ Members of the public and staff
 - ◆ Members of the public and any other public or private body
 - ◆ Neighbours and/or neighbourhood based incidents
- 3.3 Incidents occurring in schools will be reported under separate arrangements. This involves a nominated member of staff recording the incident and the school investigating the incident through to a satisfactory resolution. This procedure will be monitored by the Local Authority and any further action remains with the Local Authority. Any direct contact to other agencies (including WREP) involving school incidents should in the first instance be reported to the school or the Local Authority.
- 3.4 Given the different circumstances in which racist incidents can occur, it is not easy to establish arrangements that allow them to be consistently reported, recorded, investigated and monitored.

Following the publication of the Stephen Lawrence Inquiry report, a system of local reporting centres was established in Warwickshire with limited success. These arrangements have been reviewed and the following revised arrangements will be developed, building on our local experience. This will comprise a network of:

- Signposting Points
- Reporting Points
- Reporting Centres

The functions of the three types of facility are described below;

- 3.5 **Signposting Points** will be established at a wide range of venues that are easily accessible to people, where they can obtain general information and publications about how and where to report racist incidents, including the location and role of Reporting Points and Reporting Centres. Signposting Points might include libraries, local authority reception points, doctors' surgeries, community centres and voluntary sector service points. Staff employed at these

points will not be expected to give advice – their role will be simply to make the published information available and direct complainants to a Reporting Point or Reporting Centre.

- 3.6 **Reporting Points** will be designated points across Warwickshire, and specifically will include one-stop-shops and customer call centres, Citizens Advice Bureaux, other public service reception points and designated community centres.
- 3.7 Any person may report a racist incident using any of the identified Reporting Points, regardless of whether or not the incident relates directly to its normal business. The role of Reporting Points is to record complaints and forward them on. All staff at designated Reporting Points should be familiar with the policy and procedures relating to reporting and recording of racist incidents, and should be aware of the need to implement the protocol immediately an incident is reported. Staff will not be expected to give detailed advice relating to actions or options on a reported incident.
- 3.8 Staff will take basic contact details from the complainant and complete a standard Racist Incident report form (appendix 1). Although they will be expected to help record details of incidents they will not be expected to form any judgement or try to resolve the complaint. Their role will be to complete and pass on the racist incident report form (refer to process map at appendix 2).
- 3.9 Call centres will be expected to complete the form over the telephone. The procedure for referring racist incident report forms is described below at 4.1.
- 3.10 **Reporting Centres** will be fully equipped and staff trained to interview and support victims and complainants. They will be able to provide a “key worker” role to instigate any necessary action and support the complainant throughout the process, from receipt of complaint to the point of resolution. Reporting Centres will be few in numbers and will comprise:
 - 3.10.1 **Warwickshire Race Equality Partnership**
 - 3.10.1.1 WREP will provide advice, guidance and support (where appropriate) to victims of racist incidents or racial harassment. Support may include empowering victims on employment procedures, co-ordinating multi-agency panels or referring to other agencies.
 - 3.10.1.2 Where appropriate WREP will raise relevant issues, on behalf of complainants, with public, private and voluntary agencies to request an investigation where the complainant/victim has approached WREP seeking its support. Where organisations have their own internal complaints procedure this will be the initial process used for the resolution of complaints raised by WREP on behalf of complainants.
 - 3.10.1.3 WREP should have trained staff equipped to support victims of racist incidents (crimes and non-crimes) and complainants of discrimination in service and employment.
 - 3.10.2 **Warwickshire Police**

- 3.10.2.1 Warwickshire Police, in exercise of its statutory functions, will investigate racist cases of a criminal nature.
- 3.10.2.2 Warwickshire Police will work with other agencies, including WREP, in tackling problems that have a racist dimension but are not necessarily criminal.
- 3.10.2.3 Warwickshire Police should have trained staff equipped to support victims of racist incidents (crimes and non-crimes).
- 3.10.3 ***Local Authority (Housing Departments)***
- 3.10.3.1 Local Authority Housing Departments, by way of their statutory functions, will investigate and assist in dealing with cases relating to council/statutory landlord tenures and, in some cases, those relating to private tenancies.
- 3.10.3.2 Local Authority Housing Departments will work with other agencies, including WREP, when tackling problems that may have a racist dimension.
- 3.10.3.3 Local Authority Housing Departments should have trained staff equipped to support victims of racist incidents (crimes and non-crimes).

4. Receiving reports of racist Incidents (Reporting Points only)

- 4.1 Staff at Reporting Points will receive and record incidents and complaints. Anyone may report an incident in person, by telephone or in writing. The role of the person receiving the complaint is to record the details using the standard Racist Incident Recording Form (see appendix 1). The complainant should be asked to give a brief account of the incident, including details of when it took place.
- 4.2 Staff at Reporting Points should also note the following:
 - The form should normally be completed by a member of staff at the Reporting Point.
 - The complainant should be encouraged to give full information concerning their identity, nationality and ethnicity to assist any investigation of the complaint and for monitoring purposes.
 - There may be circumstances where the complainant is reluctant to give this information for various reasons, in which case they should be asked to give as much information as possible and the appropriate part of form should be marked “NG” where information is **not given**.
 - The Reporting Point officer should confirm the date and place where the report was received.
 - The complainant should be asked to sign the form and give their consent to it being passed on to a Reporting Centre or the service area in question. Where a complaint is

received over the telephone a note should be made confirming the complainant's agreement to it being referred on to the appropriate agency.

- If the complainant does not want any further action to be taken this should be noted and the complainant informed that the complaint will be recorded for statistical purposes only.
- It should be noted that the complainant may not always identify the racist element of an incident, therefore it is essential that the reporting point officers take necessary steps to ascertain whether or not a racist element exists.

4.3 Copies of the form should be forwarded as follows:

- a) A copy sent to the person responsible for dealing with internal complaints (if complaint relates to your business/staff).
- b) A copy given to the complainant.
- c) A copy to be retained at the Reporting Point.

4.4 Call centres which act on behalf of a number of public bodies can forward reports to the agency concerned in the same way.

4.5 Where a Reporting Point receives a report relating to its own service (e.g. an agency receiving a complaint relating to its business/staff) it should refer the complaint to the appropriate person, within the organisation, responsible for dealing with complaints to be investigated internally using the organisation's own complaints procedure.

4.6 Where issues remain outstanding, following an internal investigation the complainant should be given the option to contact WREP and where this is taken up, WREP will become involved in the matter and raise any issues that may be of particular concern.

5. Monitoring and Evaluation

5.1 A key recommendation in the Home Office's Code of Practice is that agencies should establish common monitoring systems, to ensure consistency in the recording of racist incidents.

5.2 Any incident, however minor, must be recorded using the racist incident recording form. All Reporting Points and Reporting Centres must provide WREP with figures of reported racist incidents quarterly.

5.3 As part of its coordinating role, WREP will collate all incidents recorded at reporting points across the county in order that;

- a) The information can be analysed regularly, by the Tension Monitoring Network, to establish any trends and to ensure that necessary and appropriate action is taken by the relevant agencies.

b) The quality of service and victim satisfaction can be monitored.

c) The effectiveness of this policy can be monitored.

5.4 In order to facilitate effective monitoring and evaluation, all actions taken should be recorded on the case file for each incident where further action has been taken.

Section C: Information Management

6. Data protection Act 1998

- 6.1 The Data Protection Act 1998 came into force on 1 March 2000. It regulates the holding and processing of personal information relating to living individuals, which is held either on computer or in manual form.
- 6.2 The Act gives enforceable rights to individuals, also known as data subjects, and also places obligations on those persons who control the manner and purpose of processing of personal data (Data Controllers).
- 6.3 Any information recorded on computer or in a structured non-computerised system, such as a card index, is subject to the Data Protection Act 1998. The general principles regarding adherence to this legislation are summarised below:
- 6.4 ***Data Protection Principles***
- 6.5 Anyone processing personal data must comply with the following enforceable principles of good practice.
- 6.6 ***Personal data must be:***
- ♦ Obtained and processed fairly and lawfully.
 - ♦ Processed only for the purposes it was collected.
 - ♦ Adequate, relevant and not excessive.
 - ♦ Accurate and kept up-to-date.
 - ♦ Processed in accordance with individuals' rights.
 - ♦ Secured against unauthorised access, disclosure or destruction and accidental loss.
- 6.7 ***Practical Measures to ensure compliance with the Data Protection Act***
- 6.7.1 Data must be obtained and processed fairly and lawfully. You must not try to access data without proper authority.
- 6.7.2 Data must be checked for accuracy.
- 6.7.3 Personal data held must not be disclosed to unauthorised individuals or organisations.
- 6.7.4 Information you have the authority to access in relation to individuals must be treated as confidential and not disclosed to family, friends or acquaintances.
- 6.7.5 You must not use the data for purposes for which you do not have proper authority.
- 6.7.6 Do not disclose personal information to enquirers without first establishing their right to receive such information. It is preferred that all requests are made in writing quoting the Act and Section of that Act that they are making the request under.

- 6.7.7 When working on sensitive information either on screen or printouts you must ensure that it cannot be seen by those not authorised to see it.
- 6.7.8 Printouts of individual's personal details must be securely filed or disposed of when no longer required.
- 6.7.9 An individual is entitled to find out what personal data an agency holds about them either electronically or in manual files – this is known as a 'Subject Access Request'.

6.8 ***Disclosure of information on racist incidents.***

- 6.8.1 In gathering information on racist incidents it is crucial that a balance is struck between the ***proper protection*** of personal information, and ***appropriate sharing*** of information in the interests of crime reduction, prevention and adequate support for victims. Agencies should normally seek to share information with the consent of the individuals concerned. Where this is not possible at the very least organisations should be able to share data on the number and type of incidents.
- 6.8.2 It is important to distinguish between information containing personal data ***likely to identify individuals***, and sharing general and anonymous information that ***will not*** identify individuals, but which will contribute to the public interest.
- 6.8.3 There are ***legal constraints*** on sharing information that could identify a living person without their consent. This information can include names, dates of birth, addresses etc. Where an incident is particularly serious and the agency receiving the report concludes that it would be irresponsible not to share the information even if the informer does not consent, it should:
- ◆ Share the information without disclosing the informer's personal details.
 - ◆ Ensure the informer is told about the data being shared and why.

7. **The Warwickshire Sharing of Information Protocol**

- 7.1 The Warwickshire Sharing of Information Protocol was drawn up in response to the Crime and Disorder Act 1998, which requires authorities to exchange information in the interests of reducing crime and disorder. This protocol provides means for data exchange/sharing without contravening the Data Protection Act 1998.
- 7.2 For detailed guidance on how to utilise the Warwickshire Sharing of Information Protocol, staff/officers should refer to their own agency's information team, who will be able to provide a detailed guide.
- 7.3 Specifically in relation to this protocol it allows disclosure to be sought:

a) By a designated officer(s) under the following circumstances:

- ♦ When a racist incident leads to action being taken against an individual under the Crime and Disorder Act, e.g. Anti Social Behaviour Orders (ASBOs) etc.
- ♦ To restrain anti-social behaviour.
- ♦ To assess whether there is sufficient evidence to instigate legal proceedings.

b) By the Police

- ♦ When investigating or taking action against alleged perpetrators of crime and anti-social behaviour.

c) By a party of designated officers when carrying out the responsibility to consult under the Crime and Disorder Act by convening:

- ♦ A Multi-Agency Case Panel.
- ♦ An Anti-Social Behaviour case conference.

7.4 *Disclosure may be made:*

- ♦ When a designated Officer has reason to believe that a person is engaged in anti-social behaviour.
- ♦ When the prevention or detection of a crime will be prejudiced by not disclosing.
- ♦ When the subject of the information consents to the disclosure.

Appendices

Appendix 1: Racist incident recording form



Appendix 2: Process Map for responding to racist incidents

Appendix 3: List of Reporting Centres and Reporting Points

PRIVATE & CONFIDENTIAL REPORTING POINT - RACIST INCIDENT RECORDING FORM

Case Reference Number: _____

1. PERSONAL DETAILS

Title (e.g. Mr, Mrs, Ms, Dr):		Last Name:	
First Name(s):			
Address:			
		Postcode:	
 (Home)		 (Mobile)	
E-mail address:		Date of Birth:	
Do you have a disability?	Yes <input type="checkbox"/> No <input type="checkbox"/>		
If yes, please give details:			

2. DATE AND TIME OF INCIDENT YOU ARE COMPLAINING ABOUT:

Date:		Time:	
Have you experienced a racist incident before:	Yes <input type="checkbox"/> No <input type="checkbox"/> (If yes, include details, including date & location below)		

3. BRIEF DESCRIPTION OF INCIDENT (Continue on separate sheet is necessary):

4. FURTHER ACTION

Is further action required?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Please ensure consent section below (where applicable) is signed.	

5. PREFERRED CONTACT NUMBER / TIMES

Which number is preferred for contact:	Home <input type="checkbox"/> Mobile <input type="checkbox"/> Other <input type="checkbox"/> Give details below
Other number details:	
Preferred contact times:	Is it essential that these times are adhered to? Yes / No

PRIVATE & CONFIDENTIAL
REPORTING POINT - RACIST INCIDENT RECORDING FORM

6. YOUR NATIONALITY

Please specify your nationality:

7. YOUR RELIGION

Please specify your religion (if any):

8. YOUR ETHNIC ORIGIN

Please specify your ethnic origin by ticking one box below:

White: British ☐ Irish ☐ Other White ☐

If other, please specify: _____

Mixed: White & Black Caribbean ☐ White & Black African ☐

White & Asian ☐ Other Mixed ☐

If other, please specify: _____

Asian or Asian British: Indian ☐ Pakistani ☐ Bangladeshi ☐

Other Asian ☐ Please specify: _____

Black or Black British: African ☐ Caribbean ☐ Other Black ☐

If other, please specify: _____

Other categories: Chinese ☐ Eastern European ☐
Other backgrounds: Traveller ☐ Gypsy ☐ Refugee ☐ Asylum Seeker ☐
Any other ethnic background not listed: please specify: _____

9. CONSENT: To enable us to assist you with your incident/complaint(s) please read the statement below and sign if you agree. If you have any questions please ask the officer completing this form **BEFORE YOU SIGN.**

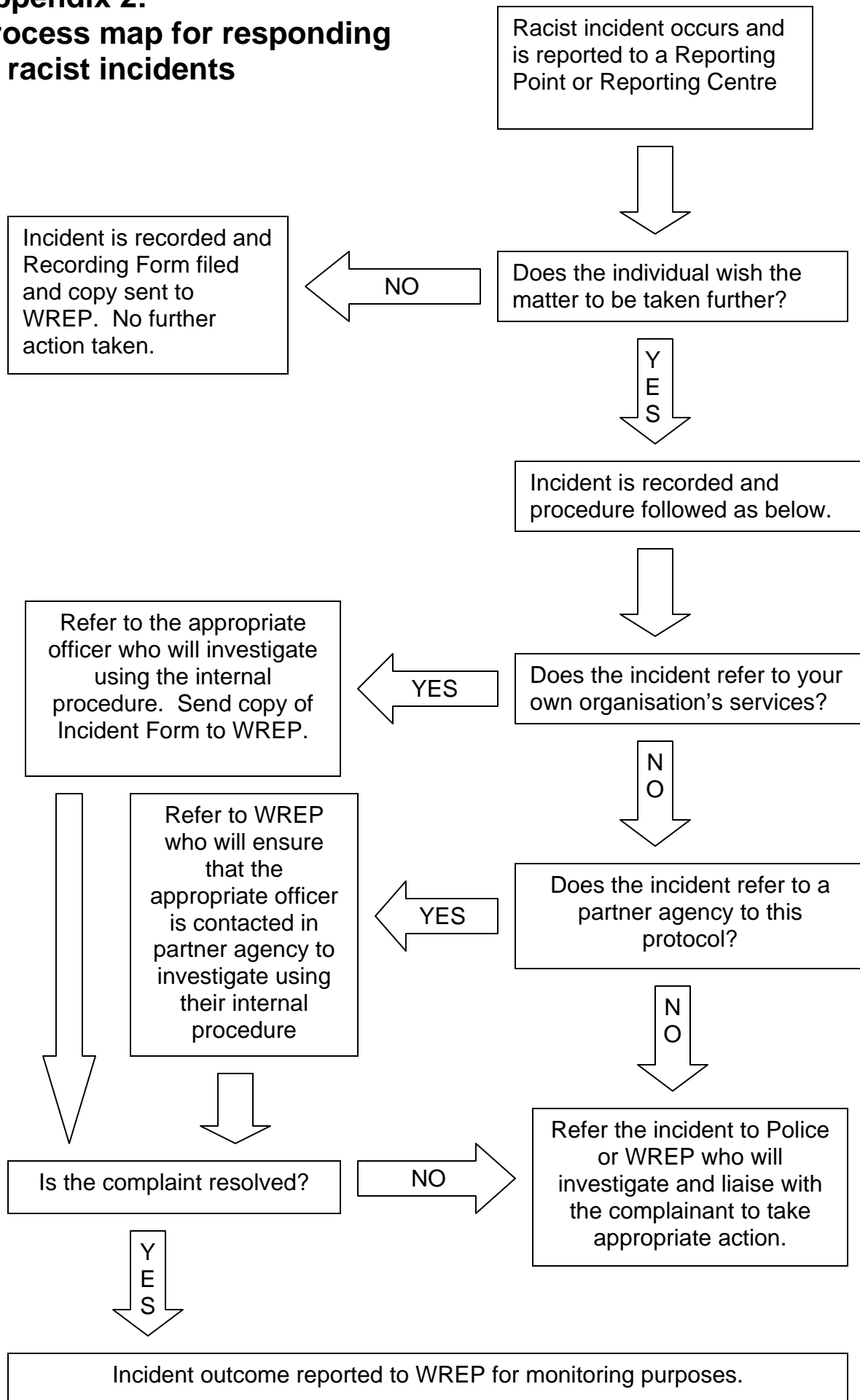
“I consent to Warwickshire Race Equality Partnership obtaining all relevant information and for them to work with other agencies in relation to this report.”

Name:

Date:

Signature:

Appendix 2: Process map for responding to racist incidents



Proposed Reporting Centres and Points

WARWICK

Reporting Centres

Kenilworth Police Station
Leamington Police Station
Regenesi (Brunswick Policing Team)
Warwick Police Station
WREP Office

Reporting Points¹

African Caribbean Project
Asian Community Equality Centre
Kenilworth One-stop Shop (Warwickshire Direct)
Leamington CAB
Polish Community Centre
Sikh Community Centre
Sydni Centre, Sydenham
Warwick District Council Offices
Warwick One-stop Shop (Warwickshire Direct)
Warwickshire College - Leamington
Whitnash One-stop Shop (Warwickshire Direct)

NUNEATON AND BEDWORTH

Reporting Centres

Bedworth Police Station
Criminal Justice Centre
Nuneaton & Bedworth BC Housing Services
WREP Office

Reporting Points¹

Bedworth Doorway Project
Bedworth One-stop Shop (Warwickshire Direct)
Chilvers Coton Initiative
Edward Street Day Centre
Hindu Samaj Day Centre
Learn Direct – Hatters Space Community Centre
Nun & Bed Caribbean Friendly Association
Nuneaton and Bedworth Citizens Advice Bureau
Nuneaton & Bedworth Council offices
Nuneaton One-stop Shop (Warwickshire Direct)
Nuneaton Women's Multi-Cultural Resource Centre
Sikh Mission Centre

RUGBY

Reporting Centres

Rugby Borough Council Housing Services
Rugby Police Station
WREP Office

Reporting Points¹

Benn Partnership Centre
Pakistani Community Centre
Rugby Borough Council Offices
Rugby Citizens Advice Bureau
Rugby West Indian Association
The Sikh Gurdwara
Warwickshire Direct (to be confirmed)

NORTH WARWICKSHIRE

Reporting Centres

Atherstone Police Station
Coleshill Police Station
North Warwickshire BC Housing Services

Reporting Points¹

Atherstone One-stop Shop (Warwickshire Direct)
North Warwickshire B.C Receptions
North Warwickshire Citizens Advice Bureau

STRATFORD-ON-AVON

Reporting Centres

Alcester Police Station
South Warwickshire Housing Association
Stratford Police Station
Studley Police Station

Reporting Points¹

Alcester Citizens Advice Bureau
Southam One-stop Shop (Warwickshire Direct) (2008)
Stratford District Council Offices
Stratford-upon-Avon College
Town Centre Citizens Advice Bureau

* Subject to further consultation

¹ Please note that the above list of reporting points will be revised periodically to take account of any changes in services or demand across Warwickshire

For further information relating to this protocol, please contact Warwickshire Race Equality Partnership (WREP) on 0844 800 9990